



# Human Rights in China: Trends and Policy Implications

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## Summary

Human rights has been a principal area of U.S. concern in its relations with the People's Republic of China (PRC), particularly since the violent government crackdown on the Tiananmen democracy movement in 1989. Some policy makers contend that the U.S. policy of engagement with China, especially since granting the PRC permanent normal trade relations status in 2000, has failed to produce meaningful political reform. Others argue that U.S. engagement has helped to accelerate economic and social change and build social and legal foundations for democracy and human rights in the PRC. This report analyzes China's mixed record on human rights – major human rights problems, new human rights legislation, and the development of civil society, legal awareness, and social and political activism. This report discusses major areas of interest but does not provide an exhaustive account of all human rights abuses or related incidents.

Fear of social unrest, especially during times of economic uncertainty, appears to motivate the PRC government's resistance toward major political reform. The PRC government has attempted to respond to public grievances and popular calls for redress while subduing activists who attempt to organize mass protests and dissidents who openly call for fundamental change. This approach has both produced incremental improvements in human rights conditions and allowed for continued, serious abuses. Major, ongoing problems include excessive use of violence by security forces, unlawful detention, torture, arbitrary use of state security laws against political dissidents, coercive family planning policies, state control of information, and religious and ethnic persecution. Tibetans, ethnic Uighur (Uygur) Muslims, and Falun Gong adherents have been singled out for especially harsh treatment.

China's leadership has addressed rising public expectations through a combination of economic growth policies and carrot-and-stick political tactics. In so doing, it has planted seeds of potential change. China's developing legal system, while plagued by corruption and political interference, has provided activists with new ways of defending rights. Although generally supportive of the status quo, the urban middle class has begun to engage in narrowly targeted protests against local government policies, following over a decade of social unrest among wage laborers and farmers. Despite a massive censorship effort, the Internet and other communications technologies have made it impossible for the government to clamp down on information as fully as before.

On July 5, 2009, a peaceful demonstration involving hundreds of Uighur residents in Urumqi, Xinjiang region, turned into an anti-government and inter-ethnic riot after armed police attacked the demonstrators. The state media reported over 180 deaths and nearly 1,700 injuries, mostly ethnic Han Chinese, while Uighur residents claimed that many Uighur deaths had not been reported. PRC authorities reportedly detained nearly 1,500 Uighurs in connection with the riots and vowed to severely punish the protest leaders.

The U.S. government's multifaceted efforts to promote human rights in China have included open or formal criticisms and assessments of the PRC government's human rights policies, official bilateral dialogue, sanctions, and congressionally sponsored legislation, hearings, and investigations. Some Members of the 111<sup>th</sup> Congress have called upon the PRC leadership to release political prisoners and respect the rights of ethnic minorities, introduced various resolutions supporting human rights in China, and passed resolutions supporting Tibetan rights and identity and commemorating the 1989 democracy movement in Beijing. The U.S. government also provides funding for rule of law, civil society development, participatory government, labor rights, Tibetan culture, Internet access, and other programs in the PRC.

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## Overview

Human rights conditions in the People's Republic of China (PRC) remain a central issue in U.S.-China relations. For many U.S. policy-makers, progress in this area represents a test of the success of U.S. engagement with the PRC, particularly since permanent normal relations status (PNTR) was granted to China in 2000. Many observers argue that legal restrictions on freedoms and cases of political and religious persecution have increased, the leadership remains a dictatorship, and that economic development has strengthened rather than weakened the Communist government.<sup>1</sup> Some policy-makers have pointed to the U.S. Department of State's annual reports on human rights practices in China, which have not noted major improvements in human rights conditions since the democracy movement of 1989.<sup>2</sup> Other analysts and many Chinese citizens contend that economic and social freedoms as well as limitations on governmental controls over most aspects of people's lives have grown considerably during the past two decades. This trend has even allowed for the emergence of occasional, fragile outbursts of "people power." Disagreements over whether progress in human rights has been made often stem from differences over which variables are focused on, such as central government policies, local government actions, civil society, social activism, or short-term versus long-term trends. In many cases, both growing government restrictions and greater assertion of civil rights have occurred simultaneously.

Successive U.S. administrations since 1989 have employed broadly similar strategies for promoting human rights in China. Nonetheless, experts and policy makers have sharply disagreed over what level of emphasis to place on human rights in relation to other concerns in the bilateral relationship, whether open criticism and sanctions or quiet diplomacy and dialogue are more effective, and whether the U.S. objective should be fundamental political change in China or incremental progress in such areas as the rule of law, civil society, and local elections. Some human rights advocates have charged that the Obama Administration in its first months has emphasized economic, environmental, and security concerns at the expense of human rights in its policy towards China. Other analysts have suggested that Sino-U.S. cooperation in these areas creates greater and more favorable opportunities for promoting human rights.

Under the leadership of President Hu Jintao and Premier Wen Jiabao, both in office since 2003, the PRC government has developed along the lines of what some analysts call "responsive authoritarianism." Beijing has striven to become more populist, accountable, and law-based. However, the government has rejected far-reaching political reforms. In response to public calls for democracy in late 2008, PRC leaders reaffirmed the Communist Party's leading role and rejected multi-party democracy and separation of powers.<sup>3</sup> On the one hand, the government has sympathized with segments of the population who have been left out of the economic boom. The central leadership also has formally acknowledged human rights as a concern of the state, continued to develop legal institutions, and implemented limited institutional restraints on the exercise of state power. On the other hand, in practice, Communist Party and government officials have retained a large degree of arbitrary authority, particularly over political dissent.

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<sup>1</sup> For a variation of this view, see James Mann, *The China Fantasy: How Our Leaders Explain Away Chinese Repression*, New York: Viking, 2006.

<sup>2</sup> Hon. Thaddeus McCotter and John J. Tkacik, Jr. "The China Delusion," *The Heritage Foundation*, August 28, 2008.

<sup>3</sup> Christopher Bodeen, "China Drives Home Rejection of 'Western' Democracy," *Associated Press*, March 9, 2009.

The PRC government faces a quandary – how to improve governance and reduce sources of social and political instability through anti-corruption campaigns and the implementation of incremental political reforms without unleashing mass pressures for greater change, particularly in times of economic difficulty. PRC leaders have expressed the fear that China’s fledgling civil society, combined with foreign “democracy assistance” and the involvement of international non-governmental organizations, could bring about a “color revolution.” “Color revolutions” refer to peaceful democratic movements involving mass demonstrations that have toppled several post-communist authoritarian governments in former Soviet States such as Georgia, Ukraine, and Kyrgyzstan. The Chinese government has enacted legislation aimed at preventing human rights abuses, but without protecting the rights of human rights activists or “defenders.” It has tolerated protests against official policies, particularly at the local level, but has arrested protest leaders. Public and semi-public discourse on a wide variety of topics have become routine, but politically sensitive issues remain off-limits. Meanwhile, economic and social tensions have combined with growing rights consciousness and social activism. Many efforts by citizens to express grievances and demand redress, having been met by government inaction, have erupted into large-scale public protests.

## A Mixed Picture

The past few years have witnessed a mixed picture on progress in human rights conditions in China. On the one hand, the U.S. State Department’s annual human rights reports have stated that China’s record has “remained poor.” None of the groups suffering the greatest persecution have experienced notable improvement in overall treatment, according to the reports. These include Tibetan Buddhist monks and ethnic Uighur Muslims, leaders of unsanctioned Christian churches, Falun Gong practitioners, political dissidents, and “human rights defenders.” On the other hand, the PRC government has enacted laws aimed at reducing some of the most egregious human rights abuses, protecting property rights, and promoting government transparency, and continued to develop mechanisms for consulting with non-state policy experts. The Chinese Communist Party (CCP) and local governments reportedly also have considered or taken minor steps toward abolishing the re-education through labor system or *laojiao*, making elections more competitive, and enabling rural migrants to gain official residency status in some large cities.

Two events in 2008, the Beijing Olympics and the Sichuan earthquake, helped to demonstrate both the power of the state and the potential of China’s young civil society. In 2007, many Chinese political activists took advantage of the Olympics’ promise of increased openness to make public appeals for political reforms.<sup>4</sup> However, the PRC leadership, rather than act upon President Hu’s repeated references to “democracy” at the 17<sup>th</sup> Party Congress in October 2007, stifled most dissenting voices during the several months leading up to the games. In the immediate aftermath of the May 2008 earthquake, China experienced an unprecedented outburst of unfiltered press coverage and volunteer activity and organization. But in June 2008, the PRC government began suppressing protests regarding shoddy construction of school buildings that collapsed during the disaster and killed an estimated 10,000 children.<sup>5</sup>

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<sup>4</sup> Edward Cody, “Chinese Dissidents to Appeal to Government on Human Rights,” *Washington Post*, August 7, 2007; Maureen Fan, “In China, Rights Activists Use Olympics to Push for Reforms,” *Washington Post*, March 24, 2008.

<sup>5</sup> Edward Wong, “Grieving Chinese Parents Protest School Collapse,” *International Herald Tribune*, July 16, 2008.

## Selected Highlights from the State Department's Human Rights Report for 2008

The State Department's annual *Country Reports on Human Rights Practices* stated that China's human rights record remained poor in 2008 and worsened in some areas.<sup>6</sup> According to the report, the PRC remains an authoritarian state in which the permanent leadership role of the Chinese Communist Party is inscribed in the Constitution, while the legislative and judicial branches lack the power to check the CCP and the state. Many political rights remain severely curtailed. In 2008, tighter restrictions on rights were imposed in Tibet and Xinjiang, upon the mass media, toward dissidents and petitioners seeking redress, and on non-governmental organizations (NGOs). According to the State Department, major human rights abuses committed by the state in 2008 included the following:

- **Unlawful or Politically-Motivated Killings:** There were reports of unlawful killings by security forces or their agents during the year.<sup>7</sup>
- **Torture:** Despite government efforts to reduce the practice, reports indicated widespread physical abuse and the use of torture against criminal suspects and political activists under detention.
- **Re-education through Labor (RETL):** The RETL system, or *laogai*, in which individuals are held in administrative detention for "anti-social activity," without formal charges or trial, for a period of up to four years, remained a central feature of social and political control in China.
- **Unlawful Detention:** Unlawful detention and house arrest remained widespread, particularly against scores of human rights activists, lawyers, journalists, and leaders of unofficial Christian churches. According to a government survey, between 2003 and 2007, 33,643 persons were detained for periods longer than that allowed by law.
- **Political Prisoners:** Several thousand persons were serving jail time for either "endangering state security" or the former political crime of "counter-revolution."
- **Coercive Family Planning:** China's "one child policy" continued with sporadic reports of coercive abortions, forced sterilizations, and other unlawful government actions against individuals, some of which triggered protests.<sup>8</sup>
- **Censorship:** Public discussion, speech, or reporting of sensitive or controversial political topics were forbidden. Such topics included the Tiananmen events of 1989, Taiwan, Tibet, Falun Gong, and criticism of the CCP leadership. The government continued to control political content of print media, jam some foreign radio broadcasts, and censor Internet sites, Web logs (blogs), and e-mail.

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<sup>6</sup> U.S. Department of State, 2007 Country Reports on Human Rights Practices – China (March 11, 2008) and 2008 Country Reports on Human Rights Practices – China (February 25, 2009).

<sup>7</sup> In the first three months of 2009, 15 cases of "suspicious deaths" in Chinese jails were reported. In April 2009, the PRC government announced a plan to educate police on proper jail procedures. Austin Ramzy, "In China, Suspicious Jail Deaths on the Rise," *Time.com*, April 30, 2009.

<sup>8</sup> Exceptions to the one-child rule are made for ethnic minorities, couples whose first child was a girl (in rural areas) or one with a disability, and couples who agreed to pay a "social compensation fee" or fine.



Many journalists, editors, and freelance writers, including Internet authors, who broached dissenting views on sensitive political issues, faced harassment, physical assault, detention, or imprisonment.

- **Religious Persecution:** The extent of religious freedom continued to vary widely within the country. Crackdowns against unregistered Protestants and Catholics as well as Tibetans and Uighur Muslims were reported in some areas, and repression and persecution of Falun Gong continued. Freedom to participate in officially sanctioned religious activity continued to increase in most areas, however.

## The Birth of Civil Society

Although the PRC leadership remains the final, undisputed authority, non-state actors play a tiny but growing role in policy-making, political discourse, and social activity.<sup>9</sup> In some cases, the state has encouraged social participation, either as a way to improve governance or to allow people to “let off steam.” In other cases, social actors have pushed the boundaries of permissible political activity at great personal risk.

Some academics and intellectuals have reported greater involvement in policy-making through the government’s consultation of expert opinion and think tanks. They also collaborate with non-state elites and actors, such as NGOs and private entrepreneurs, who often sponsor research projects. Although nearly all of China’s think tanks are linked to government institutions, their funding sources and clientele, academic backgrounds, and areas of expertise have become increasingly diverse. They also have become more autonomous, although many budgetary and political constraints upon their activities remain.<sup>10</sup>

In other areas, the range of sensitive topics, such as social unrest, government corruption, and the abuse of power, particularly at the local level, that can be reported or discussed publicly has grown. Religious activity overall, in both sanctioned and unsanctioned places of worship, has increased. Freedom of movement, both within the country and abroad, also has expanded. Lawyers, journalists, and activists have been at the forefront in helping to protect and promote human rights and the public interest. They may form the beginnings of a small, loosely organized, and still largely latent human rights movement, in which “civil elites” work with grass roots groups to safeguard human rights.<sup>11</sup>

## Non-Governmental Organizations

Beijing has expressed both an appreciation for the social contributions of NGOs and a wariness toward their potential autonomy and intentions. According to various estimates, there are over 300,000 registered NGOs in China, and over one million in total, including over 200 international

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<sup>9</sup> “Non-state” actors in China, such as academics, NGOs, and private entrepreneurs, while they do not perform political or bureaucratic functions, are tied to the state in myriad significant ways, unlike their American counterparts.

<sup>10</sup> He Li, “The Role of Think Tanks in Chinese Foreign Policy,” *Problems of Post-Communism*, Vol. 49, no. 2 (March/April 2002).

<sup>11</sup> Paul Mooney, “Beijing Silences ‘One-Man Rights Organization’,” *South China Morning Post*, January 27, 2008; Edward Cody, “In Chinese Uprisings, Peasants Find New Allies,” *Washington Post*, November 26, 2005.

organizations.<sup>12</sup> Environmental groups have been at the forefront of NGO development in China. Other areas of non-governmental activity include poverty alleviation, rural development, public health, education, and legal aid. According to many experts, most of the registered NGOs are sponsored by a government body, while those that truly advocate social causes or policy changes account for a very small percentage of all non-profit groups.

After nearly a decade of steady proliferation, in 2005, Beijing began to tighten restrictions on Chinese non-governmental organizations while expressing suspicions toward foreign involvement. The government was especially fearful of the potential of foreign NGOs in China to help foment a “color revolution,” and reportedly established an office to monitor foreign NGOs and their Chinese partners. Although the investigations did not result in a broad crackdown on non-governmental organizations, they reportedly have discouraged Chinese NGOs from taking on more politically daring projects.<sup>13</sup>

## Human Rights Legislation

While the Hu-Wen government has proven to be politically conservative – placing more emphasis upon maintaining social stability than either major economic or political reforms – it has enacted several major laws that may reduce some of the most egregious patterns of human rights abuse. In 2004, for example, the phrase, “the State respects and protects human rights” was added to the PRC Constitution. Laws and regulations designed to protect human rights include those related to the use of torture, the death penalty, labor conditions, private property, and government transparency:

- **Rights of the Accused:** In July 2006, the state enacted prohibitions on specific acts of torture and requirements that interrogations of suspects of major crimes be video-recorded. These regulations followed a 2004 law forbidding the use of torture to obtain confessions. In March 2007, the Standing Committee of the National People’s Congress (NPC) debated a law that would grant suspects the right to remain silent.<sup>14</sup>
- **The Death Penalty:** In March 2007, the Supreme People’s Court was granted sole power to review and ratify all death sentences, following four years of discussion among the CCP leadership. Xiao Yang, president of the Supreme People’s Court, stated that the death penalty would be exercised “more cautiously for only a small number of extremely serious offenders with hard evidence.”<sup>15</sup> An effort to reduce the death penalty may have been responsible for a reduction in the use of capital punishment (from roughly 15,000 annually a decade ago to 6,000, according to some estimates).<sup>16</sup>
- **Labor Rights:** In 2006, the NPC issued a report that highlighted China’s labor rights abuses. In March 2007, China’s legislature passed a Labor Contract Law.

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<sup>12</sup> <http://www.chinadevelopmentbrief.com>; Ying Ma, “China’s Stubborn Anti-Democracy,” *Policy Review*, February/March 2007.

<sup>13</sup> Paul Mooney, “How to Deal with NGOs—Part 1, China,” *YaleGlobal Online*, August 1, 2006.

<sup>14</sup> Zhu He, “‘Right to be Silent’ May Be Granted,” *China Daily*, May 18, 2007.

<sup>15</sup> Zhao Yuanxin and Xie Chuanjiao, “No Turning Back on Death Rule,” *China Daily*, March 15, 2007.

<sup>16</sup> Peter Ford, “Amid Human Rights Protests, A Look at China’s Record,” *Christian Science Monitor*, April 10, 2008.

The law, which went into effect in January 2008, reportedly spurred a dramatic rise in labor dispute arbitration cases and lawsuits as well as strikes for higher wages and benefits. However, workers still do not have the right to strike or form their own unions.<sup>17</sup>

- **Property Rights:** In March 2007, the NPC passed a constitutional amendment designed to protect property rights that had been debated since 2002. Although the new Property Law would preserve the state's ownership of all land, backers of the law argued that it would help to protect not only private entrepreneurs but also urban families who own apartments and farmers whose crop lands risk seizure by government-backed real-estate developers.<sup>18</sup> In October 2008, the government issued new measures allowing farmers to lease and transfer or sell rights to use the property allocated to them by the state.<sup>19</sup>
- **Government Transparency:** In April 2007, the PRC government announced new rules, to take effect in 2008, requiring greater disclosure of official information.<sup>20</sup> In addition, institutional and legal mechanisms were set up to provide for greater government responsiveness and accountability. In part, these measures represented attempts to compel local governments to reveal financial accounts related to land takings in rural areas.<sup>21</sup>
- **Organ Transplants:** In 2006 and 2007, PRC regulations banning trade in human organs went into effect. They also stipulated that the donation of organs for transplant be free and voluntary. These restrictions followed growing evidence and international criticism of a booming and unregulated international trade in organs of executed Chinese prisoners, including what one report said were "large numbers" of Falun Gong practitioners.<sup>22</sup> The PRC government denied that organs were taken without the prisoners' permission and rejected allegations that organs were removed from Falun Gong detainees while they were still alive.<sup>23</sup> In 2006, U.S. officials visited a site alleged to be a concentration camp and organ harvesting center for Falun Gong prisoners, the Sujiatun Thrombosis Hospital in Shenyang city. While expressing ongoing concern about human rights abuses against Falun Gong, they "found no evidence that the site is being used for any function other than as a normal public hospital."<sup>24</sup>

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<sup>17</sup> "China Rocked by Labor Disputes Due to Legal Reforms, Inflation Fears," *Nikkei Weekly*, July 14, 2008.

<sup>18</sup> Edward Cody, "Lawmakers Approve Measure to Protect Private Property," *Washington Post*, March 16, 2007.

<sup>19</sup> While the state owns all land in China, farmers are granted rights of use via long term (30-year) contracts with the state. Maureen Fan, "China to Allow Land Leasing, Transfer," *Washington Post*, October 20, 2008.

<sup>20</sup> Edward Cody, "China Announces Rules to Require Government Disclosures," *Washington Post*, April 24, 2007.

<sup>21</sup> Suisheng Zhao, "Political Reform in China: Toward Democracy or a Rule of Law Regime," *Asia Program Special Report No. 131*, Woodrow Wilson International Center for Scholars, June 2006; Richard Baum, "The Limits of Consultative Leninism," *Asia Program Special Report No. 131*, Woodrow Wilson International Center for Scholars, June 2006.

<sup>22</sup> David Matas and David Kilgour, "Bloody Harvest: Revised Report into Allegations of Organ Harvesting of Falun Gong Practitioners in China," January 2007.

<sup>23</sup> Gregory M. Lamb, "China Faces Suspicions about Organ Harvesting," *Christian Science Monitor*, August 3, 2006; Glen McGregor, "China Buffs Image with Transplant Rules," *Ottawa Citizen*, November 27, 2007; Ethan Gutmann, "China's Gruesome Organ Harvest," *The Weekly Standard*, November 20, 2008.

<sup>24</sup> U.S. Department of State Daily Press Briefing, April 14, 2006.

## Other Policy Developments

### Re-education through Labor

Re-education through labor (RTL), an administrative measure, empowers the police to sentence persons guilty of minor or non-criminal offenses such as petty theft, prostitution, unlawful religious activity, and “disrupting social order” to a maximum of three to four years in detention. Approximately 300 RTL (*laojiao*) centers in China, which can hold roughly 300,000 persons in total, have absorbed large numbers of individuals deemed by the state to undermine social or political stability, such as thousands of Falun Gong adherents earlier this decade.<sup>25</sup> According to some estimates, between 2% and 10% of those in the penal system were detained for political reasons.<sup>26</sup>

Many policy reformers and citizens in China have argued for an overhaul of the *laojiao* system. In March 2007, the Standing Committee of the National People’s Congress resumed deliberation on legislation, which had been tabled for two years, that would restrict the use of re-education through labor sentencing, shorten terms, improve conditions at such centers, and provide better protections of the legal rights of “minor offenders.”<sup>27</sup> At the end of 2008, the CCP reportedly indicated that it would fundamentally reform the *laojiao* system to possibly involve shorter sentences and incorporate judicial oversight.<sup>28</sup>

### In the Provinces: Renewed Talk of Reform

Policy proposals aimed at more responsive, accountable, and limited government have been broached on and off for two decades, particularly in the provinces. Although such ideas have not produced major political reforms, they continue to reappear. For example, in June 2008, Communist Party leaders in Shenzhen, the pioneering Special Economic Zone bordering Hong Kong, drafted a reform plan that would expand the powers of the municipal people’s congress and make elections to the legislative body more competitive. The two-year plan also would provide for greater judicial independence and intra-party democracy. However, some local government officials and political commentators expressed concern that there was insufficient support from the central government, and too much resistance from local power holders, to carry out such a proposal.<sup>29</sup>

On August 31, 2008, Communist Party Secretary of Hunan province, Zhang Chunxian, stated in a televised conference that the focus of China’s reforms should turn from economic to political empowerment. Some observers interpreted his remarks as referring to political rights (*quan*).

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<sup>25</sup> The State Department’s 2007 Report on Human Rights Practices states that, according to some observers, more than half of re-education through labor detainees were first time or returning Falun Gong practitioners.

<sup>26</sup> Minnie Chan, “Kinder Face for Notorious Re-education Camps,” *South China Morning Post*, February 21, 2007; Jim Yardley, “Issue in China: Many Jails Without Trial,” *New York Times*, May 9, 2005.

<sup>27</sup> Debate on reform of the *laojiao* system was suspended from 1999 to 2003, during the crackdown on the Falun Gong group, and then tabled again in 2005. Wu Jiao, “New Law to Abolish *Laojiao* System,” *China Daily*, March 1, 2007.

<sup>28</sup> Jerome Cohen, “Legal Reform Can Promote Harmony,” *South China Morning Post*, December 25, 2008.

<sup>29</sup> Edward Cody, “Pioneering City Offers Peek at Political Ferment,” *Washington Post*, June 30, 2008.

While the CCP is not contemplating relinquishing its monopoly on power, such discussion may refer to greater public supervision of government.<sup>30</sup>

## **China Human Rights Action Plan**

In April 2009, the PRC State Council released a two-year “action plan” to address human rights abuses such as torture, unlawful detention, and the lack of due process and to promise greater civil rights. The government declared that its policy was designed to help bring China up to international standards of human rights as prescribed in the PRC Constitution, the Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights.<sup>31</sup> Some observers remained skeptical or noted the government’s continued emphasis on living standards rather than political rights. Some tied the initiation of the plan to the United Nations Human Rights Council’s review of China’s human rights record in February 2009. Other analysts, however, suggested that the plan represented a step forward from previous efforts because it appeared to involve the input of academics and other civil society actors and also included benchmarks. Furthermore, they argued, reformers in the government may use the plan as a platform for promoting democratic change.<sup>32</sup>

## **Olympic Hopes and Disappointments**

### **17<sup>th</sup> Party Congress**

President Hu Jintao’s calls for more “people’s democracy” and intra-party democracy at the 17<sup>th</sup> Party Congress in October 2007 caused a hopeful stir among reform-minded officials and many Chinese intellectuals. In February 2008, a Communist Party think tank reportedly launched a book proposing democratic reforms as a means of curbing corruption.<sup>33</sup> However, the government’s open tone took a hard line turn following the March 2008 protests in Lhasa, Tibet. During the Olympic torch relay and the aftermath of the Sichuan earthquake, nationalistic fervor filled the mass media while talk of reform was pushed to the sidelines.<sup>34</sup>

### **Pre-Olympics Crackdown**

Many Chinese activists used the spirit of the Beijing Olympics to attempt to pressure the government to adopt reforms more quickly. Some Chinese journalists expressed optimism that the Olympics would, at least temporarily, provide them with greater freedom to report, which they hoped would in turn help to further “chip away” at the government’s ability to censor news. In August 2007, a group of prominent Chinese dissidents sent an open letter to Party leaders, calling upon the government to honor its human rights commitments as the Olympics host.<sup>35</sup> In 2007, land rights activist Yang Chunlin penned a letter, signed by over 10,000 citizens, mostly farmers, entitled “We Want Human Rights, Not the Olympics.”

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<sup>30</sup> Wu Zhong, “Party Time for China,” *Asia Times* <http://www.atimes.com>, September 10, 2008.

<sup>31</sup> The PRC has signed, but not ratified, the International Covenant on Civil and Political Rights.

<sup>32</sup> “China Releases First Human Rights Action Plan,” *Associated Press*, April 13, 2009.

<sup>33</sup> Geoff Dyer, “Beijing Promises Human Rights Initiative,” *Financial Times.com*, November 4, 2008.

<sup>34</sup> Willy Lam, “China’s Reforms Buried under Rubble,” *Far Eastern Economic Review*, vol. 171, no. 5 (June 2008).

<sup>35</sup> Edward Cody, “Chinese Dissidents to Appeal to Government on Human Rights,” *op. cit.*

During the year leading up to the games, however, many activists spoke of a crackdown and sweep of potential “trouble makers,” including Falun Gong practitioners, Tibetan and Uighur “separatists,” activists, and others. From August to October 2007, when the CCP held its 17<sup>th</sup> Party Congress, PRC authorities reportedly carried out dozens of arrests, beatings, and abductions of petitioners, activists for human, housing, and land rights, lawyers, and Christian leaders in what some observers called the “worst crackdown in five years.”<sup>36</sup> Prior to the Olympics, the PRC government also detained 44 dissident writers and launched what one NGO leader referred to as a “systematic crackdown on the voices of civil society,” including some prominent Chinese NGOs.<sup>37</sup> Yang Chunlin was arrested in August 2007 and in March 2008 sentenced to five years in prison for “inciting subversion of state power.”

## **The Sichuan Earthquake and the Response of Civil Society**

In the weeks following the 7.9 magnitude earthquake that occurred on May 12, 2008 in Sichuan province, China witnessed an unprecedented burst of volunteer organization and activity, including the involvement of official and unofficial churches and students, and a level of unfettered press coverage that was rare for a natural disaster. One Chinese expert on NGO development stated that the government was “more open and more friendly to NGOs than before.”<sup>38</sup> Although PRC authorities reportedly first tried to control news from the epicenter, they could not stop the flow of information, aided by cell phone communications and the Internet. For a few weeks, authorities did not interfere with the coverage of the disaster. Some observers surmised that improved access to information reflected the recent enactment of new “Open Government Information” regulations.

This relatively free atmosphere was soon replaced by government surveillance of NGOs, censorship, travel restrictions, and prohibitions on demonstrations and petitioning by parents of children killed in school buildings. Huang Qi, founder of a human rights website, was detained while investigating allegations of shoddy construction that had contributed to the collapse of schools. Huang was formally charged with “possessing state secrets” in July 2008.<sup>39</sup>

## **The Twentieth Anniversary of the Tiananmen Square Crackdown**

In the months leading up to the twentieth anniversary of the military suppression of the 1989 democracy movement, human rights groups reported an intensified level of surveillance, harassment, intimidation, and arbitrary detentions of social activists, rights defenders, and others. Those affected included people asserting housing, land, and labor rights, lawyers, petitioners, political dissidents, signers of the Charter '08 call for democracy, participants in the 1989 demonstrations, and victims' families. Ding Zilin, the mother of a 17-year-old boy who was killed on June 4, 1989, in Beijing, reportedly was told to leave the capital until the 20<sup>th</sup> anniversary had

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<sup>36</sup> Chinese Activists Arrested, Beaten in ‘Worst Crackdown in Five Years,’” *BBC Monitoring Asia Pacific*, October 12, 2007.

<sup>37</sup> Jill Drew, “China’s Silencing Season,” *Washington Post*, July 10, 2008; Peter Ford, “China Cracks Down on NGOs,” *The Christian Science Monitor*, December 6, 2007.

<sup>38</sup> Peter Ford, “China Quake: Controls Cautiously Lifted on Flood of Volunteers,” *The Christian Science Monitor*, May 29, 2008.

<sup>39</sup> Klaudia Lee, “Lawyers Finally Allowed to See Arrested Dissident Campaigner Denied Access to Legal Counsel for Two Months,” *South China Morning Post*, September 24, 2008.

passed, although she refused to do so.<sup>40</sup> Ding is a driving force behind Tiananmen Mothers, a network of about 150 family members of Chinese citizens killed in the crackdown that seeks a truthful, public accounting and an official reassessment of the event as well as government compensation for the deaths and assistance for those injured or maimed. Former protest leaders living abroad have been denied entry into China. Zhou Yongjun, a Beijing student leader in 1989 who later became a U.S. permanent resident, was arrested on charges of fraud as he tried to enter China through Hong Kong in October 2008. According to other reports, the PRC government also clamped down on Internet traffic, including blocking Google's blog service and YouTube in May 2009.<sup>41</sup>

## **Selected Human Rights Issue Areas**

### **Persecution of Political Dissent**

China's state security law is used liberally and often arbitrarily against political dissidents. According to PRC government data, in 2007, 742 people were arrested for "endangering state security," the highest number since 1999.<sup>42</sup> In 2008, this number more than doubled, to 1,600.<sup>43</sup> According to the Congressional-Executive Commission on China, in 2008, more than 900 persons were serving prison terms for activities related to expression, assembly, spiritual practice, and religious worship.<sup>44</sup> About 30 people are believed to remain in jail in connection with their involvement in the 1989 Tiananmen demonstrations.<sup>45</sup> Furthermore, during the past year, there were numerous reports indicating that some dissidents and human rights activists were tortured in government custody while others were harassed by police or assaulted by unidentified assailants believed to be linked to the government or business interests. Sentences or harassment of prominent dissidents in 2008 included the following:

- Human rights activist Hu Jia was sentenced to 3½ years in prison for "inciting subversion of state power."
- Zheng Enchong, a lawyer and housing rights activist, has faced harassment from local security personnel since his release from prison in 2006, particularly after he gave an interview for Voice of America in April 2009 discussing Shanghai housing policies.
- Gao Zhisheng, a rights lawyer who has defended Falun Gong practitioners since 2004, has been repeatedly detained by PRC authorities. In February 2009, PRC police took Gao from his home.
- Liu Xiaobo, a critic of the PRC government who was active in the 1989 Tiananmen Square democracy movement, was detained on December 8, 2008, in

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<sup>40</sup> "China Targets Activists Ahead of Tiananmen Anniversary," *States News Service*, April 30, 2009; Jane Macartney, "Mother Told Not To Honour Son," *The Times*, May 20, 2009.

<sup>41</sup> "Hong Kong Paper Says China Blocking Google, YouTube," *BBC Monitoring Asia Pacific*, May 20, 2009.

<sup>42</sup> Ford, "Amid Human Rights Protests, A Look at China's Record," *op. cit.*

<sup>43</sup> Dui Hua Foundation, March 25, 2008.

<sup>44</sup> <http://www.cecc.gov>.

<sup>45</sup> "Tensions Rise in China ahead of Tiananmen Massacre Anniversary," *Kyodo News*, May 14, 2009.

connection with his role in the drafting of Charter '08, a written call for democracy signed by 300 Chinese intellectuals and disseminated online. On June 23, 2009, Liu was formally charged with “inciting subversion of state power.”

## **State Control of the Press**

The state still directly controls the largest mass media outlets, pressures other media regarding major or sensitive stories, and imposes severe measures against its critics. However, overall, the PRC government exercises less control over news and information than it did a decade ago. One scholar characterizes state control of the media as evolving from one of “omnipresence to selective enforcement.”<sup>46</sup> The greater volume of news reporting has not translated into significant advances in freedom of expression, but nor has an increase in regulations affecting journalists and other critical voices significantly curbed the flow of information, thanks in large part to the Internet. In some cases, the government has supported journalistic efforts to expose official corruption and incompetence, particularly at the local level. According to some observers, a recent tactic of the central government appears to be to allow relatively open reporting on social crises, such as the scandal over tainted baby formula and milk, as long as it assigns blame to economic enterprises or lower level officials.<sup>47</sup>

Increasingly commercialized media outlets negotiate a delicate balance between responding to growing public demands for information and remaining within the bounds of what authorities will allow and advertisers will support. Under the economic reform policies of the past two decades, a burgeoning private media industry has developed, compelling many newspapers and television stations as well as Internet service providers to push the limits of cultural, social and, to a small extent, political content. State media also have had to provide more probing and provocative fare in order to attract readers, stay competitive, and respond to news and public opinion appearing on the Internet. Nearly all media organizations in China rely upon subscriptions and ad sales to help sustain themselves financially. One study suggests that, on the one hand, media commercialization has propelled an unprecedented flow of information and helped to bolster the media’s role as a government watchdog. On the other hand, many profitable media enterprises may be reluctant to take risks, fearing government sanctions and the loss of advertising revenue.<sup>48</sup>

Beijing has remained vigilant toward media activities that challenge CCP authority. At the end of 2007, 29 journalists and 51 cyber-dissidents reportedly remained in detention for political reasons.<sup>49</sup> In 2008, the Committee to Protect Journalists documented the cases of 28 imprisoned journalists while the PEN American Center reported that 19 persons remained in prison for politically sensitive postings and other activities online.<sup>50</sup>

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<sup>46</sup> Hongying Wang and Xueyi Chen, “Globalization and the Changing State-Media Relations in China,” Paper Prepared for Presentation at the 2008 Annual Conference of the American Political Science Association, August 38-31, 2008.

<sup>47</sup> Ariana Eunjung Cha, “Public Anger over Milk Scandal Forces China’s Hand,” *Washington Post*, September 19, 2008.

<sup>48</sup> Hongying Wang and Xueyi Chen, “Globalization and the Changing State-Media Relations in China,” op. cit.; Christopher Walker and Sarah Cook, “China’s Commercialization of Censorship,” *Far Eastern Economic Review*, May 2, 2009.

<sup>49</sup> 2007 Country Reports on Human Rights Practices – China, op. cit.

<sup>50</sup> 2008 Country Reports on Human Rights Practices – China, op. cit.



In October 2008, the central government permanently adopted the Olympics-related temporary regulations that had expanded press freedoms for foreign journalists. These include permitting foreign journalists to travel within the country and to interview Chinese subjects without official permission.<sup>51</sup> Although the Foreign Correspondent's Club of China noted improvements in government access and transparency, the new regulations did little to prevent state interference and harassment in many circumstances.<sup>52</sup> Furthermore, in February 2009, the PRC government issued a code of conduct for Chinese news assistants of foreign news agencies (Chinese journalists are forbidden from working for foreign media). According to human rights groups, the code represents a setback in press freedom in China. For example, it prohibits news assistants from engaging in independent reporting.<sup>53</sup>

The tug-of-war between society's demand for news and information and the state's attempts to maintain social and political control is likely to continue. The central government has employed a two-pronged approach, relying on traditional coercive tactics such as intimidation and incarceration of critics as well as adapting to both society's growing expectations and innovations in communications technologies. Meanwhile, China's media and online political voices have pushed back with increasing frequency, though such movements remain fleeting. In addition, growing numbers of young Internet users reportedly are chafing against information controls and expressing such frustrations online.<sup>54</sup>

The government closure in January 2006 of the politically provocative supplement "Freezing Point" in the relatively progressive *China Youth Daily* provoked an angry response by Chinese writers, academics, lawyers, and other citizens, particularly via the Internet.<sup>55</sup> In April 2004, the senior editor and other executives of Guangzhou-based *Southern Weekend*, a weekly known for investigative journalism, were sentenced to prison terms on charges of embezzlement, reportedly provoking an anti-government petition by dozens of prominent journalists and academics. The real reason for the crackdown, many believed, was the newspaper's reporting of a suspected re-emergence of the Severe Acute Respiratory Syndrome (SARS) virus. However, the weekly eventually resumed its muckraking efforts.

In June 2008, *Southern Weekend* published an extensive article on the Sichuan earthquake and one school's substandard construction. In September 2008, a *Southern Weekend* editor reportedly wrote in his blog that prior to the Beijing Olympics, the newspaper had received information about tainted milk supplies, and implied that the state had forbade it from investigating the story further.<sup>56</sup> Another leading investigative publication related to business, *Caijing*, has reported upon the government handling of the SARS outbreak in 2002-2003, corporate fraud, and corruption scandals. The magazine was temporarily shut down in late 2008 by the government, which

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<sup>51</sup> Human Rights Watch, "China: Extend New Media Rules to Chinese Reporters," October 21, 2008.

<sup>52</sup> 2008 Country Reports on Human Rights Practices – China, op. cit.

<sup>53</sup> Human Rights Watch, "China: New Restrictions Target Media," March 18, 2009.

<sup>54</sup> Howard W. French, "Great Firewall of China Faces Online Rebels," *New York Times*, February 4, 2008.

<sup>55</sup> Edward Cody, "Chinese Media Lash Out at Government's Censure," *Washington Post*, January 8, 2008; Chris Buckley, "Chinese Outcry Against Censorship Will Grow," *Reuters News*, January 26, 2006.

<sup>56</sup> Howard W. French, "China Tries Again to Curb Independent Press in South," *New York Times*, April 15, 2004; Iain Marlow, "The Disaster that Finally Shook Up China's Media," *The Independent*, June 16, 2008; Frank Ching, "China Must Open Up to Restore its Reputation," *New Straits Times*, October 9, 2008.

claimed that it had violated media regulations, after *Caijing* exposed suspicious cash transfers at the Agricultural Bank of China.<sup>57</sup>

## Religious and Ethnic Issues

According to many sources, the extent of religious freedom varies widely within the country. Participation in *officially sanctioned* religious activity has increased in most areas. The PRC Constitution protects “normal” religious activities and those that do not “disrupt public order, impair the health of citizens or interfere with the educational system of the state.” New regulations, enacted in March 2005, protect the rights of registered religious groups to publish literature, collect donations, possess property, and train and approve clergy. In the past year, the State Administration for Religious Affairs (SARA) set up a new unit to supervise folk religions as well as religions outside the five officially-recognized major religions (Buddhism, Protestantism, Roman Catholicism, Daoism, and Islam), including the Eastern Orthodox Church and the Church of Jesus Christ of Latter-day Saints.<sup>58</sup> Many experts assert that these laws grant the government broad latitude to determine what religious groups are lawful and to deny civil liberties to others.

The religious and religious-ethnic groups that have clashed the most with the state in the past decade have been unregistered Protestant and Catholic congregations, Tibetan Buddhists, and Uighur-minority Muslims in the Xinjiang Uighur Autonomous Region (XUAR). The International Religious Freedom Act of 1998 (P.L. 105-292) established the United States Commission on International Religious Freedom (USCIRF) to monitor religious freedom around the world and make policy recommendations to the President and Congress. Based largely upon the Commission’s reports, the Department of State has identified China as a “country of particular concern” (CPC) for “particularly severe violations of religious freedom” for ten consecutive years (1999-2008). This designation has subjected the PRC to U.S. sanctions pursuant to P.L. 105-292 (a ban on the U.S. export of crime control and detection instruments and equipment to China). In August 2005, the USCIRF traveled to China for the first time. The Commission made what may be described as informative but superficial or controlled visits to significant religious places, and lamented the lack of access allowed in their investigation.<sup>59</sup>

## Christians in China

Overall, Christians in China find increasing acceptance in society and, within limits, from the government. The PRC leadership has begun to acknowledge the positive role that Christianity can play in promoting social development, yet remains deeply suspicious and fearful of its potential power as a source of autonomous organization. A meeting on religion convened by top Party leaders in December 2007 that seemed to welcome the role of religion in China’s development was seen by some observers as grounds for hope regarding a more tolerant religious policy.

By some estimates, the number of Christians in China ranges from 40 million to over 60 million, with nearly two-thirds gathering in unofficial churches.<sup>60</sup> Membership in official Christian

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<sup>57</sup> Christopher Walker and Sarah Cook, “China’s Commercialization of Censorship,” op. cit.

<sup>58</sup> The religion with the largest number of followers in the PRC, at roughly 100 million, is Buddhism.

<sup>59</sup> United States Commission on International Religious Freedom, *Annual Report 2006*, May 2006.

<sup>60</sup> Because many Chinese worship in unsanctioned churches, it is difficult to determine the number. “Survey Finds 300M China Believers,” *BBC News*, February 7, 2007; Central Intelligence Agency, *The World Factbook—China*, (continued...)

churches alone has grown by 50% in the past decade, according to the government. Some studies have suggested that Christianity's rise in China, as well as the growth of other religions, reflects greater freedom and affluence among some Chinese, and the need to cope with dramatic social and economic changes among others.<sup>61</sup>

Many government abuses of Christian worshippers involve ambiguities over which groups are required to register—small home gatherings are officially tolerated—or disputes over which side—the church or the government—has failed to abide by registration guidelines. Many Chinese Protestants have rejected the official church, also known as the Three Self Patriotic Movement, for political or theological reasons, while some congregations have claimed that their applications have been rejected by the local religious affairs bureau.<sup>62</sup> Government officials have argued that some foreign Christian groups have discouraged unofficial churches, often referred to as “house churches,” from registering with the state.<sup>63</sup> House churches lack legal protections, and remain highly vulnerable to the often-unchecked authority of local officials. In some regions and cities, particularly in the more affluent southeast, unofficial congregations generally meet with little or no state interference, while in other areas, particularly in Henan and Shandong provinces and in many rural areas, such independent gatherings reportedly have experienced regular harassment by local authorities and their leaders have been beaten, detained, and imprisoned.<sup>64</sup>

The China Aid Association (CAA), a U.S.-based non-profit organization that monitors religious freedom in China, reported over 2,000 incidents in which house churches were persecuted by the government in 2008, compared to 788 in 2007. CAA also reported 764 cases of Chinese Christians detained or arrested in 2008, up 10% compared to 2007, and 35 cases of Christians sentenced to prison terms, more than double that of the previous year.<sup>65</sup> Police released most detainees after sessions said to involve interrogation, intimidation, and sometimes torture. In the year leading up to the Olympics, according to some reports, the government tightened restrictions, arresting leaders of house churches, harassing members of congregations, shutting down places of worship, and denying visas to foreign missionaries.<sup>66</sup>

Beijing and the Vatican, which broke diplomatic ties in 1951, have engaged in a dialogue in the past few years toward improving relations. One of the key obstacles to normalizing ties is China's rejection of the Holy See's authority to appoint bishops. In a May 2007 “Letter to Chinese Catholics,” Pope Benedict conveyed greater flexibility toward Catholic churches that are registered with the government.<sup>67</sup> According to the State Department, as of 2008, an estimated 90% of bishops in the official Catholic Church in China (the Chinese Catholic Patriotic Association) have reconciled with the Vatican and a large majority of them have been approved

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August 2008.

<sup>61</sup> Associated Press, “Poll Shows 300M in China ‘Religious’,” *South China Morning Post*, February 7, 2007.

<sup>62</sup> “Three Self” refers to independence from foreign missionary or other religious influence—self-governance, self-support (i.e., financial independence from foreigners) and self-propagation.

<sup>63</sup> Brookings Institution, “Religion in China: Perspectives from Chinese Religious Leaders,” September 11, 2008.

<sup>64</sup> 2008 Country Reports on Human Rights Practices – China, op. cit.

<sup>65</sup> China Aid Association USA, Annual Report of Persecution by the Government on Christian House Churches within Mainland China, January 2009.

<sup>66</sup> Maureen Fan, “Beijing Curbs Rights it Says Citizens Have to Worship,” *Washington Post*, August 10, 2008.

<sup>67</sup> U.S. Department of State, *International Religious Freedom Report, 2008 – China* (September 2008).

by the Holy See.<sup>68</sup> However, government harassment and detentions of unregistered Catholic bishops, priests, and laypersons have continued and progress in talks between the two sides reportedly have stalled.<sup>69</sup> In May 2008, the Shanghai government imposed new restrictions on Chinese Catholics making the annual pilgrimage to the Marian shrine of Sheshan, and set up a heavy security presence at the Sheshan cathedral, thereby reducing the number of religious travelers to 5,000 compared to 11,000 in 2007. According to some analysts, the PRC government feared possible social unrest or political implications from such a large gathering of Chinese Catholics from the official and unofficial Churches as well as Catholics from Hong Kong.<sup>70</sup>

## **Tibet**

During the past year, policies restricting Tibetan religious practices continued, while local resentment simmered regarding the influx of Han Chinese, the majority ethnic group in China, to Lhasa, capital of the Tibet Autonomous Region (TAR). According to official Chinese statistics, Tibet's resident population is 2.84 million (2007). Han Chinese form a small minority in the TAR (4%), but constitute half of Lhasa's population. Many Han Chinese believe that the PRC government has brought positive economic and social development to the region. By contrast, many Tibetans claim that such development has not benefited them economically and has accelerated the erosion of their traditional culture. In September 2007, the State Administration for Religious Affairs issued a set of regulations that required all Tibetan lamas wishing to reincarnate to obtain prior government approval through the submission of a "reincarnation application." The Dalai Lama's Special Envoy to the United States, Lodi Gyaltzen Gyari, described the new regulations as a blow against "the heart of Tibetan religious identity."<sup>71</sup>

## **Lhasa Demonstrations**

On March 11, 2008, the 49<sup>th</sup> anniversary of the Tibetan uprising against Chinese rule, 300 Buddhist monks demonstrated peacefully to demand the release of Tibetan prisoners of conscience. These demonstrations sparked others by monks and ordinary Tibetans demanding independence from China or greater autonomy, one of the most sensitive political issues for Beijing. On March 15, demonstrations in Lhasa turned violent as Tibetan protesters confronted PRC police and burned shops and property owned by Han Chinese. From exile in India, the Dalai Lama, the Tibetan spiritual leader, denied involvement and appealed to both the Chinese government and his followers to refrain from violence. The PRC government blamed the Dalai Lama for instigating the riots and labeled his followers "separatists."<sup>72</sup>

Official PRC news sources reported that 19 persons died in the riots and emphasized Chinese casualties, while Tibetan groups suggested that roughly 200 persons were killed by paramilitary troops in several Tibetan areas in western China, where approximately 100 protests broke out during the following weeks. A PRC court sentenced 30 Tibetans, including six Buddhist monks,

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<sup>68</sup> 2008 Country Reports on Human Rights Practices – China, op. cit.

<sup>69</sup> Marianne Barriaux, "China's Catholics Celebrate Easter amid Familiar Tensions," *Agence France Presse*, April 11, 2009.

<sup>70</sup> The Hong Kong diocese canceled its pilgrimage due to the restrictions. "Government Attack against Sheshan Bears Fruit, Number of Pilgrims Cut by Half," *AsiaNews.it*, May 8, 2008.

<sup>71</sup> "The Question of Tibet," *International Debates (Congressional Digest)*, May 2008.

<sup>72</sup> See CRS Report RL34445, *Tibet: Problems, Prospects, and U.S. Policy*, by Kerry Dumbaugh.

to jail terms ranging from three years to life in prison for their alleged roles in the Lhasa riots, according to state media. Estimates of the number of monks and nuns detained during the aftermath of the unrest range from several hundred to over one thousand. In addition, the Municipal Intermediate People's Court in Lhasa reportedly sentenced two Tibetans to death for committing arson resulting in deaths during the riots and handed down two suspended death sentences.<sup>73</sup> The government also expanded and intensified the already widespread "patriotic education" campaigns in monasteries and nunneries.

PRC leaders and representatives of the Dalai Lama met in May 2008 to help defuse the crisis while the PRC government continued to publicly demonize the exiled Tibetan leader.<sup>74</sup> Some Chinese lawyers were disbarred for offering to defend Tibetans arrested for taking part in the demonstrations.<sup>75</sup> The eighth round of talks between Beijing and envoys of the Dalai Lama, which took place in October 2008, failed to bring about any fundamental progress on the issue of greater autonomy for Tibet. In March 2009, the PRC government tightened security in the TAR and Tibetan areas in neighboring provinces in order to prevent possible demonstrations commemorating the 50<sup>th</sup> anniversary of the Tibetan uprising.

## Uighur Muslims

Estimates of China's Muslim population range from 20 million to 30 million people. Most Muslim communities in the western provinces of Ningxia, Gansu, Qinghai, and Yunnan reportedly coexist peacefully with non-Muslims and experience little conflict with local authorities.<sup>76</sup> However, social and political tensions and harsh religious policies have long plagued China's far northwestern Xinjiang Uighur Autonomous Region (XUAR). The XUAR is home to 8.5 million ethnic Uighur Muslims (45% of the population), one of several Turkic ethnic groups in the region. The PRC government fears not only Uighur demands for greater religious and cultural freedom but also their linkages to Central Asian countries and foreign Islamic organizations, including terrorist groups. The East Turkestan Islamic Movement, a Uighur organization that the PRC alleges to have ties to Al Qaeda and that advocates the creation of an independent Uighur Islamic state, is on the United States' and United Nations' lists of terrorist organizations.<sup>77</sup>

Because of perceived national security-related concerns, the PRC government monitors and imposes restrictions upon Uighur society more stringently than it does most other religious and ethnic groups, focusing on Uighur religious leaders and practices. Such restrictions include those related to the training and duties of imams, Uighur and Arabic language, literature, and education, public access to mosques, the celebration of Ramadan, contacts with foreigners, travel abroad, and the *hajj*. Uighur children and youth (under 18) are forbidden from entering mosques and government workers are not allowed to practice Islam. According to Amnesty International, in 2007, Uighurs were the only known group in China to be sentenced to death for political crimes such as "separatist activities."<sup>78</sup> More recent Uighur grievances include a perceived loss of ethnic

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<sup>73</sup> Vaclav Havel, El Hassan Bin Talal, and Desmond Tutu, et al. "Death in Lhasa," *Cyprus Mail*, April 23, 2009.

<sup>74</sup> John Ruwitch, "China Condemns Dalai Lama Ahead of Planned Talks," *Reuters*, May 3, 2008.

<sup>75</sup> Edward Cody, "China Sanctions Lawyers Offering to Help Tibetans," *Washington Post*, June 3, 2008.

<sup>76</sup> Ben Blanchard, "Religion, Politics Mix Awkwardly for China's Muslims," *Washington Post*, May 26, 2006.

<sup>77</sup> See CRS Report RL33001, *U.S.-China Counterterrorism Cooperation: Issues for U.S. Policy*, by Shirley A. Kan.

<sup>78</sup> Amnesty International Report 2008, May 5, 2008.

and cultural identity and a lack of equal economic opportunities as large numbers of Han Chinese migrate to their region as part of the central government's policy of developing the West.

### ***Urumqi Unrest***

On July 5, 2009, according to various estimates, several hundred to a few thousand Uighur demonstrators gathered peacefully in Urumqi, capital of the XUAR, to demand that PRC authorities prosecute those responsible for the deaths of two Uighur men involved in a brawl between Han Chinese and Uighur factory workers in Guangdong province. Han workers reportedly instigated the fight after a former employee had falsely accused some Uighur workers of sexually assaulting a Han female.<sup>79</sup> According to numerous reports, People's Armed Police sprayed tear gas, wielded clubs, and fired upon protesters after they refused to disperse, which eventually provoked a Uighur riot and acts of violence against government property, Han residents, and shops. The XUAR government reported over 184 deaths, about two-thirds of them Han Chinese, and 1,680 people injured, many of them critically. State media showed graphic photos mostly of Han victims of violence, which in turn incited some Han Chinese in the city to seek retribution on Uighur residents. Some Uighurs claimed that many Uighur deaths, including those resulting from police actions and the crackdown, were not reported.<sup>80</sup>

The PRC government blamed Uighur "separatists" and exile groups for planning the riots, particularly the World Uyghur Congress led by exiled Uighur leader and former political prisoner Rebiya Kadeer.<sup>81</sup> On July 8, President Hu Jintao cut short his attendance at the Group of Eight summit in Italy and returned to Beijing, vowing to maintain stability in Xinjiang and punish the "small group" responsible for the violence.<sup>82</sup> Police reportedly detained nearly 1,500 suspects in connection with the unrest, mostly men and including many students, while focusing on 10 "key players."<sup>83</sup> Despite the arrival of 20,000 troops in Urumqi, small group protests and clashes between Uighurs and Han Chinese using homemade weapons continued for several days. Government authorities banned Friday prayer gatherings, and then allowed shortened prayer services after crowds clamored to enter the main mosques. In Beijing, Ilham Tohti, an economics professor of Uighur nationality, was detained in connection with his blog, "Uighur Online," which had discussed social and political issues in the XUAR.

### **Falun Gong**

Falun Gong combines an exercise and meditation regimen derived from *qigong* with spiritual beliefs. It reportedly gained millions of adherents across China in the late 1990s. On April 25, 1999, thousands of practitioners gathered in Beijing to protest the government's growing restrictions on their activities. Following a crackdown that began in the summer of 1999 and deepened in intensity over a period of about two years, the group, which the government labeled a dangerous or "evil" cult, has largely diminished as a social or political problem in China. Nonetheless, the continuation of government vigilance against Falun Gong indicates that some

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<sup>79</sup> Reports compiled by the Congressional Executive Commission on China, July 8, 2009.

<sup>80</sup> Ariana Eunjung Cha, "Death Toll Debated in China's Rioting," *Washington Post*, July 11, 2009.

<sup>81</sup> Two of Kadeer's sons, Alim Abdireyim and Ablikim Abdireyim, are serving jail sentences for tax evasion and "engaging in secessionist activities."

<sup>82</sup> Ariana Eunjung Cha, "China's Hu: Maintaining Stability Paramount," *Washington Post*, July 9, 2009.

<sup>83</sup> "Beijing Says 140 Dead In Xinjiang Unrest," *South China Morning Post*, July 6, 2009.

followers continue to practice or refuse to recant. Since the crackdown, estimates and claims of the number of Falun Gong adherents who have died in state custody have ranged from several hundred to a few thousand, including 100 deaths in 2008.<sup>84</sup> U.S.-based Falun Gong organizations have reported many cases of torture and abuse of adherents under detention or serving jail sentences. The PRC government has acknowledged that deaths in custody have occurred but denied that they were caused by mistreatment.<sup>85</sup>

## Variables of Change

The PRC government has been adept at employing a seemingly ad hoc combination of coercive and non-coercive approaches toward human rights issues. In addition, since the early 1990s, the CCP leadership has displayed an unprecedented level of unity on major policy issues while two decades of rapid economic growth have helped to legitimate the party's authority. Some potential, incremental improvements in human rights conditions in China are likely to stem from government policy. Chinese leaders have displayed a willingness and eagerness to improve government performance and accountability and to solicit some non-state input on policy issues, while economic reforms, new communications technologies, and related social changes have created new spaces for free expression and social activism. However, the state also has used other means to reduce or squelch public discourse and activity that have political relevance. Such methods range from manipulating the mass media and co-opting members of the intellectual, professional, and entrepreneurial classes to selectively harassing, intimidating, arresting, and punishing dissidents, activists, and ethnic and religious leaders. The re-education through labor system remains a key component of the state's capacity for removing large numbers of disaffected people from society. Whether the PRC government can continue on its present course may depend upon the outcomes of several ongoing developments in Chinese politics and society.

## Central vs. Local Governments

Many analysts assign partial blame for human rights abuses in China to local officials. On the one hand, local and provincial level misconduct often has complicated or undermined central government efforts at reducing human rights abuses. On the other hand, much of the problem has arisen from the Chinese leadership's unwillingness to institute far-reaching reforms. Although the central government has made some progress in enacting laws aimed at curbing the most egregious human rights abuses, it has not created institutions that would help enforce these laws, such as checks and balances and direct or competitive elections beyond the lowest administrative levels. Nor has it allowed for the press, human rights lawyers, and activists to act as true watchdogs or advocates. Meanwhile, many local governments have experienced revenue shortfalls under the economic reforms of the past two decades, thereby reducing their ability to provide public services and driving them into collusive relationships with private developers. These conditions have been the source of many human rights abuses and mass protests of the past several years.

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<sup>84</sup> <http://faluninfo.net/>; 2008 *Country Reports on Human Rights Practices – China*, op. cit.; Andrew Jacobs, "China Still Presses Crusade Against Falun Gong," *New York Times*, April 28, 2009. For further information, see CRS Report RL33437, *China and Falun Gong*, by Thomas Lum.

<sup>85</sup> M2 Presswire, "Amnesty International: China—Falun Gong Deaths in Custody Continue to Rise as Crackdown Worsens," December 20, 2000.

The PRC leadership thus far has been able to avoid much of the blame in many conflicts related to land seizures, public health threats, environmental pollution, and other sources of public anger and protest. Rather than focusing their attention on larger, systemic problems, aggrieved citizens generally have demonstrated against corrupt local officials for not acting in accordance with the law, while viewing central leaders as well-intentioned. Beijing often has openly criticized or punished local officials and expressed sympathy for aggrieved residents while allowing police to detain or arrest protest leaders.<sup>86</sup> The central government has applied a relatively flexible approach toward mass demonstrations especially in cases in which the press, Internet, or local television stations have generated widespread publicity in favor of the protesters.<sup>87</sup> Some analysts argue that mass pressures for greater human rights protections by way of fundamental political reform may gather strength only as more of the public perceives local problems and activism in national political terms.

## **Rights Awareness and Legal Activism**

China's legal system has made significant strides since the Cultural Revolution (1966-1976), when the court system was severely weakened and heavily politicized. According to some analysts, PRC legal reforms could ultimately provide foundations for far reaching social and political changes, by nurturing public consciousness of rights and the rule of law and providing institutions for exercising political rights and holding the government accountable.<sup>88</sup> The state still wields disproportionate power against citizens and legal activists and continues to interpret the law arbitrarily in many cases. However, unlike overt and large scale political movements of the past, such as the democracy movement of 1989, which the PRC leadership ultimately viewed as hostile toward the state, many of today's legal activists have managed to survive in a gray area in which the state grudgingly acknowledges the legitimacy of their claims.<sup>89</sup>

Although some experts suggest that most Chinese still do not place much faith in the nation's courts, other analysts contend that PRC citizens have rising expectations that the state will honor basic legal rights. According to many reports, rising legal awareness and the development of laws have resulted in the growth of legal activity, especially since 2004, when the Chinese government enshrined the protection of human rights in the PRC constitution. Chinese citizens increasingly are turning to the courts to assert claims and even to sue public officials.<sup>90</sup> More than 150,000 cases are filed annually against the government, although the rate of success remains low. Some reports point to a trend of modest growth in cases and a more dramatic growth in the number of appeals. PRC lawyers also have begun to file "public interest" cases in growing numbers. Though rarely successful, these cases often draw temporary publicity through the mass media and help to further spread legal consciousness, according to some experts.<sup>91</sup>

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<sup>86</sup> Edward Cody, "China Announces Rules to Require Government Disclosures," *op. cit.*

<sup>87</sup> Edward Cody, "China's Local Leaders Hold Absolute Power," *Washington Post*, June 10, 2008.

<sup>88</sup> Jamie P. Horsley, "The Rule of Law in China: Incremental Progress," *The China Balance Sheet in 2007 and Beyond (Phase II Papers)*, Center for Strategic and International Studies, May 2007.

<sup>89</sup> Paul Mooney, "Beijing Silences 'One-Man Rights Organization'," *South China Morning Post*, January 27, 2008.

<sup>90</sup> Tim Johnson, "A Legal Revolution," *Knight Ridder Foreign Service*, November 9, 2003; "Constitutional Change Giving New Momentum to China Protests," *Kyodo News*, April 24, 2004.

<sup>91</sup> Joseph Kahn, "When Chinese Sue the State, Cases Are Often Smothered," *New York Times*, December 28, 2005; John L. Thornton, "Long Time Coming," *Foreign Affairs*, Vol. 87, no. 1 (January/February 2008).



China's legal profession has grown quickly, albeit from a small base. The country reportedly has 122,000-130,000 full-time lawyers, a third of them practicing in Beijing. This number translates to one attorney for every 10,000 citizens, compared to about one for every 6,000 in Japan and every 300 in the United States.<sup>92</sup> In 2008, the PRC Law on Lawyers was amended to provide limited protections for lawyers and their clients, although potential state interference in the legal process remains a serious problem. These reforms include allowing defense lawyers to meet with clients without first seeking permission from judicial authorities, although only after defendants have been interrogated alone; banning police from observing conversations between lawyers and clients; and exempting statements made by lawyers in the courtroom from prosecution, except those that "harm national security, intentionally slander others, or seriously disrupt courtroom order." The PRC court system also has implemented programs to strengthen the competence and professionalism of judges and the effectiveness of the judicial system.<sup>93</sup>

Despite reforms around the edges, the legal and judicial systems in China remain flawed in basic ways. Although there appears to be an increasing number of cases that are dismissed by PRC courts due to insufficient evidence, the government continues to place a heavy emphasis on establishing the guilt of defendants. There is no adversary system, no presumption of innocence, no protection against double jeopardy, and no law governing the type of evidence that may be introduced. In many cases, police, prosecutors and judges disregard the protections that Chinese law does offer.<sup>94</sup> In criminal and political cases, sentences are decided not by judges but by a court committee named by the Party.

China's changing legal environment has provided an opening for human rights attorneys, albeit one that is fraught with risks for both citizens and lawyers. Since 2000, several dozen lawyers in China have made names for themselves by taking on sensitive rights cases against government entities or economic enterprises with government connections.<sup>95</sup> In January 2006, a group of prominent Chinese attorneys and legal scholars established the Association of Human Rights Attorneys for Chinese Christians in order to educate and defend house church leaders.

Chinese law firms and lawyers who have pursued politically sensitive cases have faced a range of troubles, including closure of offices, intimidation, beatings, disbarment, house arrest, kidnappings, and prison sentences. The State Department lists several prominent Chinese attorneys who were disbarred in 2008 because of their political activities.<sup>96</sup> Many human rights and defense lawyers have been harassed by officials or beaten by agents of local governments or economic interests. Others have been falsely accused of committing slander, perjury, fabrication of evidence, or the graver crimes of subversion or revealing state secrets. In June 2009, the PRC government's Legal Affairs Bureau declined to renew the annual licenses of approximately 20 Chinese human rights attorneys.<sup>97</sup>

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<sup>92</sup> Geoffrey A. Fowler, Sky Canaves, and Juliet Ye, "Chinese Seek a Day in Court – With New Faith in Rule of Law, More Citizens File Suits," *Wall Street Journal*, July 1, 2008; Kana Inagaki, "Japan Expecting Flood of New Lawyers," *Associated Press*, August 20, 2006.

<sup>93</sup> Benjamin L. Liebman, "China's Courts: Restricted Reform," *The China Quarterly*, no. 191 (September 2007).

<sup>94</sup> Jim Yardley, "Desperate Search for Justice: One Man vs. China," *New York Times*, November 12, 2005.

<sup>95</sup> Edward Cody, "China Uses Heavy Hand Even with Gadflies," *Washington Post*, April 9, 2008.

<sup>96</sup> 2008 Country Reports on Human Rights Practices—China, op. cit.

<sup>97</sup> "21 Human Rights Attorneys Experience Government Crackdown," *China Aid*, <http://www.ChinaAid.org>, June 15, 2009.

## Social Unrest

Economic changes have created new social classes and widening disparities of income and power. Because legal, judicial, and enforcement mechanisms have largely failed to protect the economic and political rights of many disadvantaged Chinese, social protest has become a common form of expression and means of resolving grievances. In the past several years, major types of social unrest have included state-owned enterprise workers demonstrating against layoffs; migrant factory and construction laborers protesting lack of pay; farmers objecting to unfair taxation and usurious fees, confiscation of land for development projects, and loss of agricultural land due to environmental degradation; and homeowners opposing forcible evictions related to urban development. In cases of land confiscation and home evictions, much popular anger has been directed at collusive deals between local officials and private investors and the lack of fair compensation. Relatively new sources of social unrest have included farmers movements to claim ownership of land; the closing of thousands of factories due to climbing labor and energy costs, the rising value of the Chinese currency, and the global economic crisis; unemployment among recent college graduates (an estimated 15%-50% cannot find work); consumer price inflation; and coercive enforcement of the one-child policy.<sup>98</sup> So far, however, protests largely have targeted local officials, policies, or companies but have not joined forces to form broad-based movements or challenged the PRC political system.

PRC data on social unrest provide glimpses into the government's preoccupation with social stability but often are conflicting or incomplete. In 2006, the Ministry of Public Security announced that 87,000 "public order disturbances" had occurred in 2005, an increase of 6.6% compared to the previous year. Many of these cases involved criminal or individual acts rather than social protests, according to some analysts. The government also has reported significant, but declining, numbers of "mass incidents" or large protests, which peaked at 74,000 in 2004.<sup>99</sup> Central government policies designed to decrease tax burdens on farmers and labor abuses in factories reportedly have reduced some forms of social grievance. However, many analysts argue that mass incidents have been on the rise rather than on the decline as official data suggest.<sup>100</sup>

Many observers have noted an alarming rise in mass protests since the end of 2008. The global recession's impact on China reportedly has pushed unemployment rates up to 9% in the cities and nearly 20% in rural areas, with disproportionate impacts on the poor. Labor disputes reportedly doubled in 2008, according to an official source.<sup>101</sup> The loss of an estimated 20 million urban jobs for rural migrants has compelled millions of them to return to their home villages where economic opportunities are already limited.<sup>102</sup> Compounding the problem, the enforcement of new laws designed to protect labor rights and the environment has slackened in order to reduce costs on struggling companies.<sup>103</sup>

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<sup>98</sup> Bill Powell, "China's At-Risk Factories," *Time*, April 28, 2008; Edward Cody, "Farmers Rise in Challenge to Chinese Land Policy," *Washington Post*, January 14, 2008.

<sup>99</sup> "China Looks for Solution to a Few Problems in Rural Areas," *People's Daily Online*, March 1, 2006; "China's Security Officials Urge Stability for Upcoming CPC Congress, Olympics," *People's Daily Online*, April 18, 2007.

<sup>100</sup> Luis Ramirez, "Mass Disturbances Increasing in China," *VOAnews.com*, January 19, 2006; Willy Lam, "Hu Jintao's Great Leap Backward," *Far Eastern Economic Review*, vol. 172, no. 1 (Jan-Feb 2009).

<sup>101</sup> Saibal Dasgupta, "Labour Disputes Double in China," *The Times of India*, May 11, 2009.

<sup>102</sup> Ariana Eunjung Cha, "As China's Jobless Numbers Mount, Protests Grow Bolder," *Washington Post*, January 13, 2009; Ariana Eunjung Cha, "In China, Despair Mounting among Migrant Workers," *Washington Post*, March 4, 2009.

<sup>103</sup> Lauren Keane, "Protest-Hit China Says Job Stability Top Priority," *Washington Post*, November 20, 2008; "A Great (continued...)"

According to some analysts, social unrest has stemmed from not only economic hardship and anger over abuses of power by and collusion among government officials and private developers, but also the growing popular awareness and understanding of legal rights. The PRC government has applied a carrot-and-stick approach toward disgruntled social groups, often sympathizing with them and pressuring local authorities to give in to some demands while arresting protest leaders and intimidating social activists. The developing legal consciousness of many Chinese citizens, combined with small but vital networks of lawyers, journalists, and activists attracted to human rights causes, has assured that social pressures for advancing human rights are likely to continue.

## **Mainstream Protests**

While the PRC has experienced over a decade of social unrest among socially and politically marginalized groups such as wage laborers and farmers, in the past two years, protest activities have begun to sprout among more affluent, urban Chinese. These incidences may signal new trends in protest activity: They have been less isolated and displayed greater organizational capacity; the government's responses have been relatively restrained; grievances have been less about participants' livelihoods and more about quality of life issues and the lack of government consultation.<sup>104</sup> According to many analysts, the state in China has remained strong in relation to society largely because social groups have been divided or co-opted by the state. The CCP leadership deeply fears disparate groups – wage laborers, farmers, entrepreneurs, urban homeowners, intellectuals, and others – linking up to form a broad-based movement. The following are examples of recent middle class protest activities:

- In May 2007, students and professors at Xiamen University in Fujian Province reportedly sent out a million text messages calling on city residents to assemble to protest the planned construction of a Taiwan-financed petro-chemical plant. Estimates of the number protesters, whose march was video-recorded, range from 7,000 to 20,000 people. Construction of the plant was temporarily halted.
- In January 2008, thousands of suburban homeowners in Shanghai gathered at People's Square and embarked on a raucous protest walk through some of the city's main thoroughfares to publicly oppose plans to construct a maglev (magnetic levitation) high-speed train line through their neighborhoods. These protests can be viewed on YouTube.<sup>105</sup> The city government delayed the line's construction and in March 2009 it was reported that the project was suspended indefinitely. Many analysts attribute the city's decision largely to the demonstrations.<sup>106</sup>
- In June 2008, tens of thousands of people—estimates range from 10,000 to 30,000—rioted and torched government buildings in Weng'an County in Guizhou province. The protest was sparked by the drowning of a 17-year old girl, which local police declared was a suicide. Her parents and many residents suspected that she had been raped and killed, and that local officials were

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Migration into the Unknown," *Economist.com*, January 29, 2009.

<sup>104</sup> Edward Wong, "In China March, Hints of a Movement: Protest of Pollution Is Latest in a Series," *International Herald Tribune*, May 6, 2008.

<sup>105</sup> <http://www.youtube.com/watch?v=7iikjHOOsA>

<sup>106</sup> Rowan Callick, "China's Middle-Class Protesters Derail New Train Link," *The Australian*, March 13, 2009.

protecting the true perpetrators. The protest was remarkable because it was reported in the official media, citizen commentary online was widespread, and central and local officials acknowledged “legitimate” grievances that may have contributed to the people’s distrust of government, including the demolition of homes and forced relocations to make way for development. Local police officials were replaced following the riots.

- At the end of August 2008, one week after the closing ceremonies of the Olympic games, hundreds of Beijing residents living near a newly built waste-fueled thermal power plant protested against the fumes emanating from the facility. No arrests were reported.<sup>107</sup>
- In November 2008 in Sichuan province, 9,000 taxi drivers in Chongqing went on strike to protest the proliferation of illegal taxis, excessive fees, difficulties of obtaining gasoline, and other issues after the municipal government and taxi companies failed to address their complaints. That same week, 1,000 teachers in the province walked off their jobs to protest lack of pay.<sup>108</sup>
- In May 2009, university students in Nanjing demonstrated after security personnel enforcing regulations toward street vendors allegedly attacked stalls run by students. Thousands of students reportedly clashed with police.

## **New Agents of Change?**

Some political theorists and policy makers have argued that the growth of the middle and entrepreneurial classes in developing market economies creates pressures for democracy. According to these hypotheses, demands for rights and democracy stem from emerging class desires to protect economic interests and political influence, a growing sense of entitlement, and confidence in their capacity to affect or participate in government decision-making. However, many studies of China’s changing society show how some social groups who have benefitted greatly from economic reforms value incremental over dramatic political change.

One study concludes that the Chinese middle class, which constitutes about 15% of the total population according to some calculations, “do think and act in accordance with democratic principles.”<sup>109</sup> Other observations suggest, however, that many members of China’s rising middle class, a product of economic reforms, have displayed either a lack of interest in politics or a preference for political stability rather than rapid reform. They have been careful not to jeopardize their hard-won economic gains, and have expressed some fear of grassroots democracy.<sup>110</sup>

Rather than asserting its independence from the state, China’s business sector has remained heavily dependent upon it, and often seeks close relations with relevant government agencies. The CCP, in turn, has welcomed business persons into the Party. The PRC government wields influence over the private sector not only through its jurisdiction over business transactions, but

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<sup>107</sup> “Post-Olympic Stress Disorder,” *Economist.Com*, September 11, 2008.

<sup>108</sup> Ariana Eunjung Cha, “With Strikes, China’s New Middle Class Vents Anger,” *Washington Post*, December 17, 2008.

<sup>109</sup> Jie Chen and ChunLong Lu, “Does China’s Middle Class Think and Act Democratically?” *Journal of Chinese Political Science*, Vol. 11, no. 2 (Fall 1996).

<sup>110</sup> See Willy Wo-Lap Lam, *Chinese Politics in the Hu Jintao Era*, M.E. Sharpe: Armonk, NY, 2006.

also through its control over many other areas of the economy, such as finance and property. Furthermore, the weakness of China's legal system means that many business persons must seek relations with government officials in order to protect their assets or enforce contracts. According to several studies, private entrepreneurs favor strengthening the rule of law and support long-term political reform, but also value social stability and are satisfied with the current, slow pace of change, which has largely served their interests.<sup>111</sup>

China's critical intellectuals, another potential agent of change, have been relatively quiescent during the past decade. The crackdown upon the China Democracy Party in 1998-99 crushed nearly all hope of fundamental change for a decade, while growing opportunities for making money, travel, academic career development, and even policy input have helped to dampen the urgency of reform. The PRC government has co-opted many intellectuals, tying the success of their careers to the continuity of CCP policy.<sup>112</sup> Furthermore, many educated and politically-aware Chinese are not as enamored of Western political models as they were during the late 1980s, for various reasons, including the suspicion that Western efforts to promote democracy in China may be part of an effort to weaken the PRC; fears that radical political change would undermine economic development or bring about difficulties similar to those facing other post-communist countries, such as Russia; and the decline of U.S. standing as a global leader since the beginning of the Iraq war.<sup>113</sup> Among the younger generations of Chinese, many reportedly are liberal in outlook and assertive regarding their rights, but also are career-oriented, politically pragmatic, and fiercely patriotic. Although Chinese youth often are critical of their own government, many are quick to reject Western criticism of their country.<sup>114</sup>

## **Charter '08**

On December 10, 2008, over 300 Chinese citizens signed and posted online a document entitled "Charter '08," inspired by "Charter 77," the Czechoslovakian democratic movement that began in 1977, and commemorating the 60<sup>th</sup> anniversary of the United Nations' adoption of the Universal Declaration of Human Rights. The manifesto upheld human rights and called for fundamental changes in China's political system, including a new constitution, separation of powers, an independent judiciary, direct elections, and freedoms of assembly, expression, and religion. It also recommended that a commission be established to investigate past government abuses of human rights.

The Charter represented a bold departure from the incremental approach to reform subscribed to by many liberal-minded intellectuals and officials during the past decade. Furthermore, the document was especially provocative regarding the central government's dealings with Taiwan, Tibet, Hong Kong, and other special jurisdictions, proposing to negotiate with Taiwan "as

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<sup>111</sup> Bruce J. Dickson, "Integrating Wealth and Power in China: The Communist Party's Embrace of the Private Sector," *The China Quarterly*, no. 192, December 2007; Kellee S. Tsai, "China's Complicit Capitalists," *Far Eastern Economic Review*, January/February 2008; Bruce J. Dickson and Jie Chen, "Engaging the State: Political Activities of Private Entrepreneurs in China," Paper Prepared for Presentation at the 2008 Annual Conference of the American Political Science Association, August 38-31, 2008.

<sup>112</sup> Lam, *Chinese Politics in the Hu Jintao Era*, op. cit.

<sup>113</sup> For examples, see Pew Global Attitudes Project, "Global Unease With Major World Powers," June 27, 2007.

<sup>114</sup> Teresa Wright, "Disincentives for Democratic Change in China," *East-West Center Asia Pacific Issues*, No. 82, February 2007; Brookings Institution, "Understanding China's 'Angry Youth': What Does the Future Hold," April 29, 2009.

equals,” a “federation of democratic communities,” and flexibility toward national minority areas. Finally, in what may instill the greatest fears within the PRC leadership of political unrest, the Charter was eventually signed by over 8,000 citizens representing a cross-section of Chinese society, including not only dissidents and public intellectuals but also workers, farmers, entrepreneurs, professionals, local officials, and others.<sup>115</sup> However, according to some analysts, the Charter, despite its symbolic appeal, is likely to have little short-term impact as a catalyst for a broad-based, democratic movement.<sup>116</sup>

The PRC government detained one of the document’s drafters, prominent democratic activist Liu Xiaobo, and shut down the Charter’s website. Over 1,000 intellectuals reportedly signed an online petition calling for Liu’s release. In February 2009, 16 members of the Communist Party old guard reportedly signed an open letter addressed to President Hu Jintao and the CCP Standing Committee calling for political reform, freedom of assembly and press.<sup>117</sup> The government has been careful not to arouse further public anger and international condemnation, and has limited its crackdown. Roughly 100 signatories to the Charter reportedly have been harassed or interrogated and some have lost career-related privileges, but only Liu has faced criminal charges.<sup>118</sup>

## **New Communications Technologies**

The PRC government’s efforts at censoring the Internet have been strenuous and effective, but not fully successful. In 2008, China overtook the United States in terms of the number of Internet users, with nearly 300 million people online, about one in every four Chinese, including 70 million bloggers. Despite its revolutionary qualities as a communications medium, the Internet has not opened the floodgates of political discourse in China as some had hoped or envisioned, and some analysts argue that the Internet has enhanced government propaganda and surveillance capabilities.<sup>119</sup> Nonetheless, the Internet has made it impossible for the government to restrict information as fully as before. Furthermore, Internet and cell phone technologies have enhanced the abilities of groups to assemble and to record large protests. A reported increase in arrests for political crimes since 2006 reflects both a government clampdown on dissent and growing political activism, including the rise of “a new generation of dissenters who are increasingly well informed about their scant legal rights and more inclined to spread their views using the Internet.”<sup>120</sup>

Beijing has employed a variety of “hard” and “soft” techniques and approaches to control online content and behavior, including electronic filtering, regulation of Internet Service Providers, monitoring of Internet cafes, and intimidation through the arrests of high profile “cyber

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<sup>115</sup> Merle Goldman, “Clinton’s Missed Opportunity in China,” *Boston Globe*, February 26, 2009.

<sup>116</sup> Rebecca MacKinnon, “What Does the ‘08 Charter Mean? Too Soon to Tell...” [rconversation.blogs.com], January 20, 2009; “Party Leaders ‘Split’ over Democracy Campaign,” *South China Morning Post*, February 24, 2009.

<sup>117</sup> “Reformist Party Elders Urge Beijing to Take Steps Towards Political Reform,” *BBC Monitoring Asia Pacific*, February 21, 2009.

<sup>118</sup> “Beijing Blinks at ‘Charter ‘08,’” *Christian Science Monitor*, December 26, 2008; Michael Wines, “A Manifesto on Freedom Sets China’s Persecution Machinery in Motion,” *New York Times*, May 1, 2009; “‘Charter’ Democrats in China,” *Wall Street Journal*, March 31, 2009.

<sup>119</sup> John J. Tkacik, Jr., “China’s Orwellian Internet,” *Heritage Foundation Backgrounder #1806*, October 8, 2004.

<sup>120</sup> Maureen Fan, “‘State Security’ Arrests in China Doubled in ‘06, Group Reports,” *Washington Post*, November 29, 2007.

dissidents.”<sup>121</sup> According to some analysts, the government cannot control all Internet content and use, but its selective targeting creates an undercurrent of fear and promotes self censorship. The government also has attempted to sway online debates by entering the chat room fray. An estimated 280,000 “Web commentators” – many of them university students – reportedly are employed by state entities to “guide public opinion” or steer discussion online.<sup>122</sup>

To some extent, the Internet has proven to be less of a political tool than many observers had expected or hoped, although vast areas for cultural and social expression have opened up online. Those who mine the Internet for political information reportedly make up a small minority of all users. Greater political information is available for Chinese who use “proxy servers,” which help circumvent government filtering, or who frequent English language sites. However, according to one study, less than 8% of Internet users in China access proxy servers “sometimes” to “frequently.”<sup>123</sup> Chinese online chat rooms and blogs also have been hotbeds of ultra-nationalist sentiment.

Many major U.S. online (English) news sites, such as the *Washington Post*, *New York Times*, and *CNN.com*, are frequently available. Since the end of the Beijing Olympics, Voice of America’s website generally has been allowed, although it is still subject to selective blocking. However, for many of China’s educated elites who are proficient in English as well as government officials concerned about political control, it is not the availability of foreign news to a minority of interested Chinese citizens that is significant, but rather the ability to foment political change on the basis of such information. Such ability remains substantially curtailed. Furthermore, some analysts suggest that the limited amount of Internet freedom in China defuses political activism by allowing people to vent their opinions online.<sup>124</sup> Finally, many Chinese Internet users support the idea of censorship, particularly the government’s efforts to ban online pornography, gambling, illegal commerce, phishing, and spam.<sup>125</sup>

In the middle of the decade, bulletin board systems (BBS) and blogs burst onto the online scene, providing forums for Chinese to express opinions publicly and often anonymously. BBS and blogs became the principal medium for political discourse in China. One study found that 61% of blogs carried “critical” opinions, including those related to society, government, corporations, and public figures, while 36% of blogs demonstrated “pluralism” or two or more different perspectives.<sup>126</sup> After the government required BBS participants to register their real names with forum hosts, BBS activity fell dramatically, while blogs surged in popularity.<sup>127</sup> In the Xiamen University protests of 2007, local residents sent text messages about the demonstrations to

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<sup>121</sup> Some experts estimate that the PRC government has employed 30,000 “Internet police.” “On the Wrong Side of Great Firewall of China,” *New Zealand Herald*, November 27, 2007.

<sup>122</sup> David Bandurski, “China’s Guerrilla War for the Web,” *Far Eastern Economic Review*, Vol. 171, no. 5 (July/August 2008).

<sup>123</sup> Rebecca MacKinnon, “Bloggers and Censors: Chinese Media in the Internet Age,” *China Studies Center*, May 18, 2007.

<sup>124</sup> Andrew Jabocs, “China’s Web Wild Card: Economic Downturn Crisis a Threat to Censors’ Tight Control,” *International Herald Tribune*, February 6, 2009.

<sup>125</sup> Rebecca MacKinnon, “Is Web 2.0 a Wash for Free Speech in China,” *RConversation* <http://rconversation.blogs.com>.

<sup>126</sup> “Chinese Bloggers Are Really Edgy,” *Wall Street Journal*, June 14, 2008.

<sup>127</sup> See also Rebecca MacKinnon, “Flatter World and Thicker Walls? Blogs, Censorship and Civic Discourse in China,” *Public Choice*, Vol. 134 (January 2008).

bloggers in other cities, who posted reports on the Web, thus keeping “one step ahead of the censors.”<sup>128</sup>

Some experts on the Internet in China have acknowledged government repression while remaining optimistic about the medium’s power. One political blogger stated that although media controls had multiplied under President Hu Jintao, they had not translated into less freedom overall, thanks to the Internet.<sup>129</sup> A university professor described the constant struggle with government censors this way:

I have noted the life span of new forms on the Internet here has been about one or two years. Bulletin boards were very free, and after one or two years, they were restricted. Then we saw the emergence of personal Web sites, and after one or two years they were restricted. Then we had blogs. After a year or two, they moved to restrict them, too. I think the Internet in China will always find a way forward, because of technology and other factors. I am actually very optimistic.<sup>130</sup>

In June 2009, the PRC government issued a directive requiring “Green Dam Youth Escort” software, designed to protect Chinese youth from accessing harmful Internet content such as pornography, on all Chinese computers sold after July 1, 2009, including those imported from abroad. Many Chinese Internet users, international human rights activists, foreign governments and computer makers openly opposed the policy, arguing that the software would undermine computer operability, that it could be used to expand censorship to include political and other content, that it may incorporate pirated software, and weaken Internet security. On June 30, 2009, one day before the edict was to go into effect, the PRC government announced that mandatory installation of the software would be delayed for an indefinite period.

## **U.S. Efforts to Advance Human Rights in China**

In the past two decades, successive U.S. administrations cumulatively have developed a comprehensive array of tactics and programs aimed toward promoting democracy, human rights, and the rule of law in China, but their effects have been felt primarily along the margins of the PRC political system. The U.S. government has pressured China from without through openly criticizing the country’s human rights record and calling upon the PRC leadership to honor the rights guaranteed in its own constitution, bring its policies in line with international standards, release prisoners of conscience, and undertake major political reforms. The U.S. government also has provided funding for programs within China that help strengthen the rule of law, civil society, government accountability, and labor rights. It has supported U.S.-based non-profit organizations and Internet companies that monitor human rights conditions in China and help enable Chinese Web users to access Voice of America (VOA), Radio Free Asia, and other websites that are frequently blocked by the PRC government.

Some experts argue that economic and diplomatic engagement with China have failed to set any real political change in motion. In this context, some contend, U.S. efforts to promote democracy

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<sup>128</sup> Edward Cody, “Text Messages Giving Voice to Chinese,” *Washington Post*, June 28, 2007.

<sup>129</sup> “Isaac Mao and Michael Anti at Hong Kong U.,” April 17, 2007. [http://rconversation.blogs.com/rconversation/2007/04/isaac\\_mao\\_and\\_m.html](http://rconversation.blogs.com/rconversation/2007/04/isaac_mao_and_m.html).

<sup>130</sup> Howard W. French, “Chinese Discuss Plan to Tighten Restrictions on Cyberspace,” *New York Times*, July 4, 2006.



and human rights have been largely ineffectual. Many policy makers argue that tangible improvements in PRC human rights policies should be a condition for full economic and diplomatic relations with China as well as cooperation on other issues. Others counter that U.S. engagement policies have helped to set conditions in place that are conducive for progress.<sup>131</sup>

A number of policy makers have accused the Obama Administration of de-emphasizing human rights in its early overtures to China. In February 2009, Secretary of State Hillary Clinton stated in Beijing that disagreements on human rights “cannot block the possibility of significant cooperation” on bilateral issues such as the global economic crisis, climate change, and international security threats. In May 2009, House Speaker Nancy Pelosi, a staunch critic of China’s human rights policies since 1989, and a bi-partisan congressional delegation traveled to the PRC and met with governmental and non-governmental groups in a visit primarily focused on forging bilateral cooperation on climate change. The delegation also raised human rights issues in meetings with the PRC government, delivered a letter to President Hu Jintao requesting the release of prominent political prisoners, and met with Catholic Bishop Aloysius Jin Luxian in Shanghai. Some analysts suggested that Clinton’s and Pelosi’s visits reflected a pragmatic approach to both advancing U.S. interests and promoting human rights in China. This method would include developing a stable bilateral relationship through which to quietly discuss human rights issues, and creating more opportunities to raise concerns privately rather than criticizing the PRC government openly.<sup>132</sup>

## **Openly Criticizing China**

Some analysts argue that the U.S. government should take principled stands against China’s human rights abuses more frequently, openly, and forcefully, while others believe that such methods can undermine human rights efforts. Many prominent dissidents or former prisoners of conscience have claimed that international pressure or attention protected them from harsher treatment by PRC authorities. While some members of civil society groups have welcomed a more assertive U.S. human rights policy, others have cautioned that the Chinese government often has restricted their activities when they were viewed as tied to foreign governments. In some cases, the PRC government has made small concessions in order to help reduce or avoid open U.S. or global criticism. Some analysts suggested that Beijing’s decision to restart the U.S.-PRC human rights dialogue in 2008 was linked to the U.S. government’s decision not to include China in a list of “worst human rights violators,” although the State Department continued to harshly criticize China’s record in its annual report. In other cases, the Chinese leadership has reacted angrily or responded in a “tit for tat” manner when the U.S. government has publicly denounced its human rights.<sup>133</sup> Beijing suspended the dialogue in 2004 after the Bush Administration sponsored an unsuccessful U.N. resolution criticizing China’s human rights record.

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<sup>131</sup> For recent debate on the topic, see David M. Lampton, “‘The China Fantasy,’ Fantasy,” *The China Quarterly*, No. 191 (September 2007); James Mann, “Rejoinder to David M. Lampton,” *The China Quarterly*, No. 191 (September 2007).

<sup>132</sup> Glenn Kessler, “In China, Clinton Says Human Rights ‘Can’t Interfere’ with Talks,” *Washington Post*, February 20, 2009; Elise Labott, “Clinton Defends Stance on Human Rights,” *CNN.com*, March 11, 2009; Ariana Eun Jung Cha and Glenn Kessler, “Pelosi Mum on Rights before Trip to China,” *Washington Post*, May 24, 2009; “Pelosi, Bipartisan Congressional Delegation Holds Press Conference in Beijing,” *PR Newswire*, May 29, 2009.

<sup>133</sup> Melinda Lu, “Saying No to Bush,” *Newsweek*, November 22, 2005.

Some Members of Congress have sponsored numerous non-binding resolutions condemning or calling upon the PRC government to improve various human rights policies. These include the imprisonment and detention of prominent political, religious, and ethnic figures; persecution of Tibetans and Uighurs; control over the Internet and other mass media; the one-child policy; and treatment of North Korean refugees. Related bills include those that would restrict U.S.-China trade on the basis of PRC human rights abuses or prohibit U.S. funding to American officials attending the opening ceremonies of the Beijing Olympics.

Some Members of the 111<sup>th</sup> Congress have introduced resolutions supporting Charter '08 and calling for the release of dissident Liu Xiaobo (H.Res. 156, S.Res. 24), urging the PRC government to cease committing human rights violations against the Uighur people (S.Res. 155, H.Res. 624), and calling upon the government of China to end persecution of Falun Gong (H.Res. 605). In March 2009, the House passed H.Res. 226, recognizing the plight of the Tibetan people. In June 2009, the House and Senate passed H.Res. 489 and S.Res. 171, respectively, commemorating those who demonstrated for democracy or died in the military crackdown in 1989 in Beijing and expressing continued support for human rights and democracy activists in China. On July 7, 2009, House Speaker Nancy Pelosi issued a statement on the outbreak of violence in Urumqi, blaming the social unrest on the Chinese government's "harsh policies" that have "increased tension and resentment" among the Uighur people.<sup>134</sup>

## Human Rights Dialogue

The human rights dialogue between the United States and China was established by President Clinton and President Jiang Zemin in 1998. Thirteen rounds have been held beginning in 2001. Beijing suspended the dialogue in 2004 after the Bush Administration sponsored an unsuccessful U.N. resolution criticizing China's human rights record. In February 2008, while Secretary of State Condoleezza Rice was in Beijing and prior to the release of the State Department's annual human rights report, the PRC government announced that it would resume human rights talks with the United States. In May 2008, the two sides held "constructive and productive" discussions on a wide range of issues. Assistant Secretary of State for Democracy, Human Rights, and Labor David Kramer told reporters that the talks included the following topics: prisoners of conscience, freedom of religion, the situation in Tibet, the Muslim majority in Xinjiang, and media and Internet freedom.<sup>135</sup>

Some human rights experts suggest that the PRC government has been able to deflect international criticism on human rights by holding dialogues without having made real improvements in its policies and practices.<sup>136</sup> For example, in July 2008, as Secretary of State Condoleezza Rice met with PRC Foreign Minister Yang Jiechi in Beijing and hailed the resumption of talks on human rights, a group of Chinese human rights attorneys reportedly were detained as they attempted to meet with two visiting Members of Congress.<sup>137</sup> Others suggest that

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<sup>134</sup> "U.S. House Speaker Urges Beijing/Uighur Dialogue," *Agence France Presse*, July 8, 2009.

<sup>135</sup> "U.S. Says Human Rights Talks with China 'Constructive'" *AFP*, May 27, 2008.

<sup>136</sup> See Brookings Institution (past event), "Ten Years after Tiananmen: U.S., China and Human Rights," June 1, 1999.

<sup>137</sup> Jill Drew and Edward Cody, "Chinese Lawyers Arrested before Meeting with Congressmen," *Washington Post*, July 1, 2008.

while the dialogue may produce limited short-term results, the absence of such dialogue reduces the overall effectiveness of U.S. human rights policies toward China.<sup>138</sup>

## **Rule of Law and Civil Society Programs**

United States foreign operations appropriations for China chiefly have supported democracy-related programs, particularly rule of law development. Some experts argue that foreign-funded rule of law and civil society efforts in China have produced limited gains due to PRC political constraints. Others contend that such programs have helped to build social foundations for political change and have bolstered reform-minded officials in the PRC government.

Between 2000 and 2008, the United States government authorized or made available roughly \$182 million for programs in China, of which \$159 million was devoted to human rights and democracy activities and to Tibetan communities. The U.S. Congress has played a leading role in supporting these and related programs, appropriations for which have grown from an annual average of \$11.1 million during the 2000-2004 period to \$31.5 million during the 2005-08 period.<sup>139</sup> Major program areas include legal training, legal aid, criminal defense, labor rights, civil society development, media reform, participatory government, and preserving Tibetan culture.

Congress also has provided financial support to U.S. educational institutions for exchange programs with Chinese universities. Several American law schools now offer exchange programs or law degree programs in China. Temple University's Beasley School of Law, which has received USAID assistance, offers a Masters of Laws program in conjunction with Tsinghua University in Beijing. The program reportedly has graduated 800 Chinese legal professionals, including officials and prosecutors, law professors, and legal staff.<sup>140</sup> According to some experts, U.S. law programs in China provide relatively secure settings for the discussion of sensitive legal and related political topics.<sup>141</sup>

The National Endowment for Democracy (NED) is a private, non-profit organization created in 1983 and funded by the United States government to promote democracy around the world. NED programs constituted over one-third of all U.S. democracy funding in China during the 1999-2003 period, and continue to play a significant role.<sup>142</sup> The Endowment's programs in China, administered through its "core institutes," have included legal aid, labor rights, investigative reporting, HIV/AIDS awareness, and "activist training."<sup>143</sup> NED also funds several U.S.-based organizations that monitor human rights conditions in China, including Tibet and Xinjiang, research and publish newsletters and journals on democracy-related topics, and disseminate political works from China. NED's non-governmental status affords it greater ease and flexibility with which to support relatively overt democratic groups.

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<sup>138</sup> Kristine Kwok, "Resume Rights Talk, China and U.S. Urged," *South China Morning Post*, April 17, 2008.

<sup>139</sup> For further information, see CRS Report RS22663, *U.S.-Funded Assistance Programs in China*, by Thomas Lum.

<sup>140</sup> Temple University School of Law, *Rule of Law Projects in China: 2007-08 Annual Report*.

<sup>141</sup> Jen Lin-Liu, "The Paper Chase Comes to China," *The Chronicle of Higher Education*, May 14, 2004.

<sup>142</sup> General Accounting Office, "Foreign Assistance: U.S. Funding for Democracy-Related Programs," February 2004.

<sup>143</sup> NED's core institutes or grantees are the International Republican Institute (IRI); the American Center for International Labor Solidarity (ACILS); the Center for International Private Enterprise (CIPE); and the National Democratic Institute for International Affairs (NDI).

## Public Diplomacy

The U.S. government aims to influence the hearts and minds of progressive-minded Chinese educated elites through its public diplomacy programs. According to the Department of State, nearly half of all PRC citizens participating in U.S. educational and cultural exchange programs are engaged in activities related to democracy, human rights, and religious freedom. Both the Fulbright Scholarship and Humphrey Fellowship exchange programs devote significant resources for rule of law studies. The U.S. International Visitor Leadership Program sponsors U.S. speakers to travel to China to discuss rule of law issues and brings PRC counterparts to the United States. In 2007, 409 U.S. citizens and 696 PRC citizens participated in U.S. educational and cultural and exchange programs.<sup>144</sup>

In the two decades since the Tiananmen military crackdown in 1989, many Chinese have come to equate democracy with political instability or view it as harmful to economic growth. One analyst suggests that, rather than touting the virtues of freedom and democracy as abstract ideas, the U.S. government should bolster public diplomacy efforts as a means toward addressing Chinese doubts about democracy. In particular, U.S. public diplomacy efforts should help to persuade the emerging PRC middle class that democracy, stability, social development, and economic growth are mutually reinforcing.<sup>145</sup>

## Internet Freedom

The U.S. government has funded programs to help circumvent PRC Internet censorship and called upon U.S. Internet providers that have entered the Chinese market to promote or protect human rights. The International Broadcasting Bureau supports counter-censorship technologies (approximately \$2 million per year) that help enable Internet users in China, Iran, and other restricted countries to access Voice of America and other censored U.S. governmental and non-governmental websites and to receive VOA e-mail newsletters. The Consolidated Appropriations Act for FY2008 (P.L. 110-161) allocated \$15 million out of the Human Rights and Democracy Fund for an Internet freedom initiative to expand access and information in Asia, the Middle East, and elsewhere.<sup>146</sup> The Global Online Freedom Act of 2009 (H.R. 2271), introduced in May 2009, would establish an Office of Global Internet Freedom (OGIF) in the Department of State. The act would prohibit U.S. companies that provide Internet services in countries that restrict the free flow of information from providing personal user information to the governments of such countries and assisting such governments in the censorship of information.

In May 2008, the Senate Committee on the Judiciary, Subcommittee on Human Rights and the Law held a hearing entitled “Global Internet Freedom: Corporate Responsibility and the Rule of Law.” Representatives from Google, Yahoo, and Cisco Systems testified before the subcommittee regarding their operations in China. Many U.S. observers accused U.S. information technology corporations of either cooperating with PRC censorship systems or supplying China with censorship technology. However, some Chinese “cyber dissidents” argued that on balance, U.S.

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<sup>144</sup> U.S. Department of State, Bureau of Democracy, Human Rights, and Labor, *Advancing Freedom and Democracy Reports—2008: China*, May 23, 2008; Interagency Working Group, *FY2007 U.S. Government-Sponsored International Exchanges & Training*.

<sup>145</sup> Ying Ma, “China’s Stubborn Anti-Democracy,” *op. cit.*

<sup>146</sup> “State Department Gets Funds to Fight Internet Censorship,” *Federal Times*, January 14, 2008.

Internet companies in China helped to accelerate information flow and provide more opportunities for free expression, despite their operating within the PRC's censorship regime.<sup>147</sup>

Yahoo's China operations have been especially singled out for criticism by human rights groups. In 2004, Yahoo's Hong Kong office provided information to PRC authorities about the identity of a Chinese Yahoo e-mail account holder, Shi Tao. Shi, a journalist, reportedly had forwarded information about a state directive regarding the 15<sup>th</sup> anniversary of the Tiananmen demonstrations to an overseas democracy organization. In March 2005, a PRC court sentenced Shi to 10 years in prison for "leaking state secrets." In August 2008, Google, Yahoo, and Microsoft reached an agreement in principle on a voluntary code of conduct for their activities in China as well as other countries that restrict Internet use. In December 2008, the three companies established the Global Network Initiative, a set of guidelines for Internet companies confronted with issues related to privacy and censorship in countries such as China.

## **Sanctions**

Many U.S. sanctions on the PRC in response to the Tiananmen military crackdown in 1989 remain in effect, including some foreign aid-related restrictions, such as required "no" votes or abstentions by U.S. representatives to international financial institutions regarding loans to China (except those that meet basic human needs).<sup>148</sup> Congress also has required that U.S. representatives to international financial institutions support projects in Tibet only if they do not encourage the migration and settlement of non-Tibetans (majority Han Chinese) into Tibet or the transfer of Tibetan-owned properties to non-Tibetans, which some fear may erode Tibetan culture and identity.

The U.S. government suspended funding for the United Nations Population Fund (UNFPA) from 2002 through 2008 because of the UNFPA's programs in China, where the State Department determined that coercive family planning practices had occurred. In February 2009, the Obama Administration announced that it would restore U.S. funding for the UNFPA. The Omnibus Appropriations Act, FY2009 (P.L. 111-8), allocated \$50 million for the Population Fund. However, none of these funds may be used for a country program in China.<sup>149</sup>

## **Labor Rights**

The U.S. government has promoted PRC adherence to international labor standards. U.S. officials monitor PRC compliance with the 1992 U.S.-China Memorandum of Understanding and 1994 Statement of Cooperation on the issue of prison labor. In 2000, the measure granting permanent normal trade relations (PNTR) status to China (P.L. 106-286) authorized the Department of Labor to establish a program to promote worker rights and related rule of law training. The United

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<sup>147</sup> Human Rights Watch, "Race to the Bottom: Corporate Complicity in Chinese Internet Censorship," August 2006.

<sup>148</sup> See CRS Report RL31910, *China: Economic Sanctions*, by Dianne E. Rennack.

<sup>149</sup> The "Kemp-Kasten" amendment to the FY1985 Supplemental Appropriations Act (P.L. 99-88) bans U.S. assistance to organizations that support or participate in the management of coercive family planning programs. For further information, see CRS Report RL32703, *The U.N. Population Fund: Background and the U.S. Funding Debate*, by Luisa Blanchfield.

States and China have conducted exchanges on coalmine safety, dispute resolution, occupational safety and health, wage and hour (payroll) administration, and pension programs.<sup>150</sup>

## **Congressional-Executive Commission on China**

Between 1989 and 1999, the U.S. Congress attempted to monitor and hold the PRC government accountable for human rights violations through the annual renewal of “most favored nation” (MFN) trading status. P.L. 106-286, the measure granting permanent normal trade relations (PNTR) treatment to China, ended this mechanism, but included provisions on human rights. The PNTR act established the Congressional-Executive Commission on China (CECC) to monitor human rights and the rule of law in China and to submit an annual report with recommendations to the President and Congress.<sup>151</sup> The body consists of nine Senators, nine Members of the House of Representatives, five senior Administration officials appointed by the President, and a staff of ten. On its website, the Commission provides human rights-related news and analysis, keeps track of pertinent PRC laws and regulations, and maintains a database of political prisoners.<sup>152</sup> Since its inception, the CECC has held roughly 80 public hearings and roundtables on rights-related topics, including the following: the Beijing Olympics, rule of law development, social unrest, religious freedom, ethnic minorities, political reform, labor conditions, mass media, property rights, and the Internet in China. It has an annual operating budget of approximately \$2 million.

## **U.N. Human Rights Council**

The United Nations Human Rights Council was formed in 2006 to replace the U.N. Commission on Human Rights (UNCHR), which had been criticized for being held sway by non-democratic countries. The United States sponsored several resolutions at the Commission criticizing China’s human rights record, but none were successful; China was able to thwart voting on most resolutions through “no-action motions.”<sup>153</sup> The United Nations established the Universal Periodic Review (UPR) mechanism by which the Human Rights Council assesses the human rights records of all U.N. members once every four years.<sup>154</sup>

The UPR Working Group conducted a periodic review of China in February 2009. Representatives of some countries, including Australia, Canada, the Czech Republic, Germany, the Netherlands, the United Kingdom, and New Zealand, voiced serious concerns about China’s human rights conditions, while other representatives, including those from many developing or non-democratic countries, expressed support of China’s practices.<sup>155</sup> Some human rights advocates criticized the United States government for not voicing concerns or suggestions at the review.<sup>156</sup> State Department officials responded that the Obama Administration did not want to

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<sup>150</sup> Bureau of Democracy, Human Rights, and Labor, *Advancing Freedom and Democracy Reports—2008*, op. cit.

<sup>151</sup> P.L. 106-286, Title III, Section 301.

<sup>152</sup> <http://www.cecc.gov>.

<sup>153</sup> Since the U.S. government began sponsoring resolutions criticizing China’s human rights record in 1991, they have been blocked by “no action” motions nearly every time. Only one, in 1995, was considered by the UNCHR, but lost by one vote. The last such U.S. resolution was introduced in 2004.

<sup>154</sup> See CRS Report RL33608, *The United Nations Human Rights Council: Issues for Congress*, by Luisa Blanchfield.

<sup>155</sup> Human Rights in China (HRIC), “China’s UN Human Rights Review: New Process, Old Politics, Weak Implementation Prospects,” February 9, 2009.

<sup>156</sup> “U.S. Concerned about Chinese Blogger,” *CNN.com*, February 10, 2009.

participate in the review until it had formulated a policy on the Council, which the U.S. government under the Bush Administration had refused to join. In May 2009, the Obama Administration sought and was granted a seat on the 47-member Council.

#### **Further Reading**

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## Appendix.

A number of jailed or detained rights defenders have gained national and international attention for their efforts on behalf of causes involving aggrieved citizens. Some of them have been harassed or denied civil liberties by Chinese authorities off and on over a period of several years. Many of these activists are experts on PRC law and have targeted specific violations by local officials, rather than challenging the PRC leadership or broad policy. The government has charged these individuals with various crimes, including “subversion of state power,” “supplying state secrets to foreigners,” and illegal business practices. In most cases, their punishments have been less severe than those of past dissidents who had attempted to organize or represent political or religious groups on a national scale and those of many Tibetan and Uighur activists.

The following list is not exhaustive and is intended to provide examples of prominent rights defenders, government critics, journalists, and religious figures who are reported to have been imprisoned or detained by the PRC government or denied civil rights. The names are drawn from the Congressional-Executive Commission on China’s Political Prisoner Database and other sources.

**Table A-1. Profiles of Selected Imprisoned Dissidents and Activists<sup>157</sup>**

<b>Chen Guangcheng</b>	Chen Guangcheng, a legal rights advocate, is best known for his efforts in 2005 challenging illegal family planning practices in Linyi county, Shandong province. PRC authorities arrested Chen in June 2006. A local court sentenced him to four years and three months in prison for “intentional destruction of property” and “gathering people to disturb traffic order.”
<b>Gao Zhisheng</b>	Gao Zhisheng, a human rights attorney, has represented numerous individuals, activists, writers, and religious leaders. On October 18, 2005, Gao wrote an open letter to President Hu Jintao and Premier Wen Jiabao, urging an end to persecution of Falun Gong practitioners. He was convicted on December 22, 2006, of “inciting subversion of state power” and handed a suspended sentence. In February 2009, Gao was presumed to be taken by government authorities to an undisclosed location.
<b>Guo Feixiong</b>	Guo Feixiong, a rights activist, assisted residents of Taishi village, Guangdong province, who had been involved in an effort to recall their village chief because of his alleged graft. On November 14, 2007, PRC authorities sentenced Guo to five years in prison for “illegal operation of a business.”

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<sup>157</sup> Compiled by Hannah Fischer, Information Research Specialist. All profiles were developed using the Political Prisoner Database of the Congressional-Executive Commission on China, <http://www.cecc.gov>, along with other media sources.



<b>Guo Quan</b>	Guo Quan, a former Nanjing University professor and prominent political blogger, was arrested in December 2008 on charges of “subversion of state power.” In December 2007, Guo founded the New People’s Party to represent “dispossessed ordinary people,” including petitioners and former military personnel.
<b>Hu Jia</b>	Hu Jia has advocated on behalf of HIV/AIDS patients, other rights defenders, and environmental issues. Hu was placed under surveillance in 2006 for his support of legal advocate Chen Guangcheng. On April 3, 2008, Hu was sentenced to three years, six months’ imprisonment for “inciting subversion of state power.” In October 2008, the European Parliament awarded Hu the Sakharov Prize for Freedom of Thought.
<b>Huang Qi</b>	Huang Qi, an Internet activist, maintained a website, <a href="http://www.64tianwang.com">http://www.64tianwang.com</a> , devoted to finding missing persons, including trafficked girls. In 2008, Huang visited the Sichuan earthquake zone and published articles online criticizing the government’s response to the disaster. Huang was imprisoned from 2003 to 2005 for “inciting subversion of state power.” In 2008, he was arrested and charged with “possessing state secrets.”
<b>Liu Xiaobo</b>	Liu Xiaobo, a critic of the PRC government who was active in the 1989 Tiananmen Square democracy movement, was detained for his participation in the drafting of Charter ’08, a written call for democracy signed by 300 Chinese intellectuals and disseminated online in December 2008. In June 2009, Liu was formally arrested and charged with the crime of “inciting subversion of state power.”
<b>Shi Tao</b>	Shi Tao, an editor, was sentenced to 10 years’ imprisonment on April 27, 2005, for “disclosing state secrets to foreigners.” Shi reportedly had e-mailed information about a government order regarding the 15 <sup>th</sup> anniversary of the Tiananmen student demonstrations to an overseas democracy organization.
<b>Su Zhimin</b>	Su Zhimin, the underground bishop of Baoding city, Hebei province (whose position is not recognized by the PRC government), was detained briefly in 1996. He was again arrested in October 1997, after he reportedly wrote an open letter to the National People’s Congress urging religious freedom. Since then, with the exception of a reported sighting in 2003 at a hospital in Baoding, his whereabouts have remained unknown.
<b>Tenzin Delek</b>	Tenzin Delek, a Tibetan Buddhist leader and monk, was sentenced to death with a two-year reprieve in 2003 on charges of separatism and on alleged involvement in a bombing. Due to international pressure, in 2005, Tenzin’s sentence was commuted to life in prison.

**Wang Bingzhang**

Wang Bingzhang, a Chinese dissident and permanent U.S. resident, established the pro-democracy *China Spring* magazine in 1982 in Canada. In 1998, while in China, Wang helped found the China Democracy Party, for which he was deported by PRC authorities. In 2002, Wang reportedly was apprehended in while meeting with Chinese labor leaders in Hanoi. He was repatriated to China where he faced charges of espionage and “organizing and leading a terrorist group.” In February 2003, a Shenzhen court sentenced Wang to life in prison.

**Yang Chunlin**

Yang Chunlin, a land rights activist, was arrested in August 2007 and sentenced to five years in prison for “inciting subversion of state power.” Yang was accused of writing essays critical of the Communist Party and accepting money from a “hostile” foreign group. In 2007, he wrote an open letter to the government entitled “We Want Human Rights, Not the Olympics.” It was signed by over 10,000 citizens, mostly farmers.

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